



PLANNING COMMITTEE

REPORT 11-013

Tuesday, July 5 2011

9:30 am

Council Chambers

City Hall, 71 Main Street West,

Hamilton, Ontario

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

Absent with Regrets: Councillor T. Whitehead, personal

Also Present: T. McCabe, General Manager, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
B. Janssen, Director, Strategic Services - Special Projects
S. Robichaud, Manager, Development Planning
G. MacDonald, Senior Planner
C. Lee-Morrison, Manager Environmental Planning
A. Grozelle, Legislative Assistant, Office of the City Clerk

THE PLANNING COMMITTEE PRESENTS REPORT 11-013 AND RESEPECTFULLY RECOMMENDS:

- 1. Project Compliance Update PED10049(e) (Wards 1,2, 3, 4, 5, 6, 7 and 8) (Item 5.2)**

That report PED10049(e) respecting, Project Compliance Update, be received.

- 2. Application for an Amendment to a Ministry of Environment Provisional Certificate of Approval No. A130407 (2285-85ZK3L) to Operate a Waste Disposal Site (Transfer/Processing), 350 Jones Road (Stoney Creek) (PED11124) (Ward 11) (Item 5.3)**

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider

Council Meeting - July 7, 2011

approving **Application CA-10-005, by 958160 Ontario Limited (Da-Lee Waste Oil Services)**, Applicant, for an Amendment to Provisional Certificate of Approval No. A130407, MOE Reference #2285-85ZK3L, to allow for the installation of a water treatment facility to treat liquid industrial and leachate waters, for the lands located at 350 Jones Road (Stoney Creek), as shown on Appendix "A" to Report PED11124, that the City of Hamilton requests:

- (a) That, if approved, the Amendment to the Certificate of Approval include the following requirements:
- (i) Obtain a building permit from the City of Hamilton, Building Services Division, for construction of the proposed Oily-Water Treatment Facility/Storage Drum Facility for hazardous, toxic, and corrosive waste.
 - (ii) Once the new building is constructed and occupied, provide a letter signed by a Professional Engineer, indicating compliance with Part 4 of the Ontario Fire Code in this area. The existing building/tank farm is already Part 4 compliant.
 - (iii) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, and daily product inventory list, including product quantities and exact location within all facilities along with the applicable MSDS sheets, be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services-Fire, 24-hours a day, 7-days a week, 365-days a year.
 - (iv) That the Certificate of Approval includes requirements for strict adherence to all department/agency requirements, including those of the Ministry of Environment, Ministry of Labour, and Hamilton Emergency Services – Fire (Fire Safety Inspection Report dated August 20, 2010).
 - (v) That the Certificate of Approval limit the maximum daily receipt of waste to a maximum rate of 100 tonnes per day of solid non-hazardous waste, 103 tonnes per day of solid hazardous waste, 300 cubic metres per day of liquid industrial waste, and 40 cubic metres per day of liquid hazardous waste.
 - (vi) That for any liquids that are generated from outside of the City of Hamilton that are discharged into the sewer system, the proponent enters into a Sanitary Sewer Surcharge Agreement with the City, if required.
 - (vii) That the proponent enters into an Overstrength Discharge Agreement with the City.

- (viii) That private sampling manhole(s) be installed for each sanitary sewer connection and each storm sewer connection to the City's sanitary and storm sewer systems, at the owner's expense, to the satisfaction of the Supervisor, Environmental Enforcement, Compliance and Regulations Section, Environment and Sustainable Infrastructure Division, Public Works Department.
 - (ix) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment. That the Certificate of Approval includes strict requirements for excellent on-site housekeeping practices for the approved classes of waste to minimize adverse effects to the surrounding uses.
 - (x) That the proponent implements spills prevention on-site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on-site and clean-up procedures are covered under the Certificate of Approval, and that the City's Spills number (905) 540-5188 is included in the company's on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire fighting activity from the operation. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment.
 - (xi) That the waste accepted be limited to waste generated only from the Province of Ontario.
 - (xii) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site following the cessation of use.
 - (xiii) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.
- (b) That a copy of Report PED11124 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
 - (c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

3. Theft of Gas Drive-Offs (PED11126) (City Wide) (Item 5.4)

That Report PED11126, respecting Theft of Gas Drive-Offs be received, and no further action be taken on the request from the Hamilton Police Services Board.

4. Proposed Amendment to Fireworks By-Law (HES10008(a))(City Wide) (Item 5.5)

That Report HES10008(a) respecting Proposed Amendment to Fireworks By-Law, be received.

5. Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street (Stoney Creek) (PED11113) (Ward 10) (Item 6.1)

- (a) That approval be given to Zoning Application ZAC-11-007, by the Bosnian Islamic Association of Hamilton, Owner, for changes in zoning from the Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200 (Block "1") and the Single Residential "R2" Zone in Stoney Creek Zoning By-law No. 3692-92 (Block "2") to the Neighbourhood Institutional (I1, 41) Zone, with a Special Exception, in Hamilton Zoning By-law No. 05-200, in order to permit a Place of Worship, for the lands located at 202 and 208 Barton Street (Stoney Creek), as shown on Appendix "A" to Report PED11113, on the following basis:
- (i) That the draft By-law, attached as Appendix "A" to Report 11-013, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the owner/applicant submits a revised Archaeological Assessment, to the satisfaction of the Director of Planning, City of Hamilton, in consultation with the Ministry of Culture.
 - (ii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.
 - (iii) That upon finalization of the implementing By-law, the subject lands within the Eastdale Neighbourhood Plan be re-designated from "Low Density Residential" to "Institutional".
- (b) That approval be given to Urban Hamilton Official Plan Amendment No. ■ to amend Map 7.1-1 - Western Development Area Secondary Plan from the "Low Density Residential 2b" designation and the "Local Commercial" designation to the "Institutional" designation, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan,

for lands known municipally as 202 and 208 Barton Street (Stoney Creek), as shown on Appendix "C" to Report PED11113.

- (c) That the required "2.0 metre" setback from the street line for parking and the "2.0 metre" wide planting strip between the street line and parking spaces or aisle be deleted and replaced with a "0 metre" setback.
- (d) That the required "2.0 metre high board-on-board fence" be deleted and replaced with a "board-on-board fence that is a minimum of 2.0 metres and a maximum of 3.0 metres in height"

6. Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 71 Wilson Street East (Ancaster) (PED11117) (Ward 12) (Item 6.2)

- (a) That approval be given to **Official Plan Amendment Application OPA-10-010, by Gerry Gatto, Owner**, for Official Plan Amendment No. [REDACTED], for a site-specific policy area to permit a professional office and a residential dwelling unit within the existing building, on lands located at 71 Wilson Street East (Ancaster), as shown on Appendix "A" to Report PED11117, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED11117, be adopted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan and the Hamilton-Wentworth Official Plan.
- (b) That approval be given to **Zoning Application ZAC-10-033, by Gerry Gatto, Owner**, for a change in zoning from the Existing Residential "ER" Zone to the Existing Residential "ER-632" Zone, Modified, with a Special Exception, to permit a professional office and residential dwelling unit within the existing single-detached dwelling, on lands located at 71 Wilson Street East (Ancaster), as shown on Appendix "A" to Report PED11117, on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED11117, 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 in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No. [REDACTED].

- (c) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] for a site-specific special policy to permit a professional office and residential dwelling unit within the existing single-detached dwelling, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 71 Wilson Street East (Ancaster), as shown on Appendix "D" to Report PED11117.

7. Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 95 Rymal Road West (Hamilton) (PED11123) (Ward 8) (Item 6.3)

That approval be given to **Zoning Application ZAR-11-005, by Fred Jason, Owner**, for a change in zoning from the "C/S-706" (Urban Protected Residential, etc.) District, Modified, to the "C/S-706a" (Urban Protected Residential, etc.) District, Modified, with a Special Exception, to permit the existing residential use and a bank, on lands located at 95 Rymal Road West (Hamilton), as shown on Appendix "A" to Report PED11123, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11123, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (b) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as "C/S-706a".
- (c) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

8. B-Line Nodes and Corridors Land Use Planning Study and Mid-Rise Development (PED11125) (City Wide) (Item 7.1)

- (a) That Report PED11125 respecting, B-Line Nodes and Corridors Land Use Planning Study and Mid-Rise Development, be received.
- (b) That staff be directed to report to the Planning Committee in the third quarter of 2011 with intensification standards, principals and guidelines as well as options and alternatives for consideration.

9. Report 11-002 Agricultural and Rural Affairs Advisory Sub-Committee (Item 8.1)

- (a) That Item 1 of Report 11-002 Agricultural and Rural Affairs Advisory Sub-Committee respecting Wind Turbines, be referred to the General Issues Committee.

- (b) That the recommendation from the Agriculture and Rural Affairs Advisory Committee, respecting the Committee of Adjustment Guidelines, be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following change to the agenda:

(i) CONSENT ITEMS

- 5.6 Agriculture and Rural Affairs Advisory Sub-Committee Minutes – April 28, 2011

The Agenda for the July 5, 2011 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared a conflict with Item 5.2 on the agenda respecting Project Compliance Update PED10049(e) as one portion of the report relates to rental housing.

(c) APPROVAL OF MINUTES (Item 3)

(i) June 21, 2011 (Item 3.1)

The Minutes of the June 21, 2011 Planning Committee meeting were approved, as presented.

(d) CONSENT ITEMS (Item 5)

(i) Minutes of Various Sub-Committees

(a) Hamilton Municipal Heritage Committee Minutes – May 19, 2011 (Item 5.1)

The Minutes of Hamilton Municipal Heritage Committee Minutes May 19, 2011 meeting were received.

(b) Agriculture and Rural Affairs Advisory Sub-Committee Minutes – April 28, 2011 (Added Item 5.6)

The Minutes of the Agriculture and Rural Affairs Advisory Sub-Committee Minutes April 28, 2011 meeting were received.

(e) DELEGATIONS, PUBLIC HEARINGS AND ITEMS REFERRED FROM PREVIOUS MEETINGS (Item 6)

(i) Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street (Stoney Creek) (PED11113) (Ward 10) (Item 6.1)

(a) Written submission, Anthony, DeSantis Jr. Vice-President of DeSantis Real Estate respecting parking accommodations at 202 -208 Barton Street (Item 6.1.1)

On a Motion the written submission from Anthony, DeSantis Jr. Vice-President of DeSantis Real Estate respecting parking accommodations at 202 -208 Barton Street, was received.

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- (a) 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 passes the zoning by-law, 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.
- (b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law, 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

Greg MacDonald, Senior Planner provided an overview of the report with the aid of a PowerPoint presentation. His comments included but were not limited to the following:

- Showed a map of the subject properties
- Indicated the property is the site of a place of worship, a Bosnian Islamic Association mosque
- Indicated the proponent purchased an adjoining property
- Described how the application to amend before the committee is needed to change the zoning so it matches the industrial zoning

- Indicated that in the an future amendment to the Official Plan will be needed
- Described that the additional property would be used for an additional place of worship and seventy-two parking spots
- Indicated that the proposed amendment has merit as it fits with the official plan, the provincial places to grow and is compatible with the existing residential areas as there is a buffer set out in the plan
- Described that normal either a fence and a land strip are required as a buffer however in this instance the proponent has agree to both a fence and a land strip
- Indicated that they had received seven letters from local residents with concerns around issues like parking, and impact on property values

Committee member had several questions. Highlights included but were not limited to the following:

- Councillor Pearson asked how many notices were circulated for this item
- Staff indicated that they do not have an exact number, however it would have easily been in the hundreds because of the required distribution in the area
- Councillor Johnson asked about the parking requirements and how they are based on size of a building in relation to the estimated congregation of 400.
- Staff indicated that there were changes to the By-law in the past indicating that there were tougher restrictions placed upon this
- Staff discussed that most churches have larger congregations however it is unlikely that they would have such a large number of there congregation attend at peak times

The staff presentation respecting Report PED11113 Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street, was received.

Ernad Eno Causevic , President of BIC Hamilton, appeared as agent for the applicant/owner addressed Committee with the aid of a PowerPoint presentation. His comments included, but were not limited to, the following:

- Indicated that in 2008 his community group decided to expand to apply for a building permit to build a much larger centre
- At that time they envisioned a much larger building on the current mosque site and encountered issues with parking

- Eventually the decision was made to downsize the building and look at purchasing an adjacent lot for expansion
- Indicated the community has about 250 families however the congregation size is not indicative of the amount of people who would be attending prayer at the mosque
- Indicated that there are three larger annual events the local Bosnian Muslim community holds and they always rent a larger hall for these events
- Indicated on Friday prayers they have around 100-120 people in attendance
- Showed slides illustrating the property and its relation to surroundings
- Discussed that they have shown their willingness to work with the City and the neighbourhood and have made a number of adjustments and amendments willingly
- Addressed some issues from the letters submitted
- Indicated that very few people come to pray five times a day estimating that each of these prayers has around ten attendees.
- Discussed how the buffers of the fence and land strip will reduce the noise in to the surrounding area
- Indicated that they have moved the location of the minaret from the east of the building to the front northwest of the building
- Discussed how they moved the proposed building forward in response to requests to alter the buffer between the road and building
- Indicated that his group is not planning to hold large events at the mosque and are only expecting a large turn out on the official day of opening

Committee members asked several questions of the applicant. Highlights included but were not limited to the following:

- Councillor Clark asked if it was a functioning minaret with speakers
- Mr. Causevic indicated that the minaret is ornamental in nature
- Councillor Clark asked about what prayer service during the day at the mosque is busiest
- Mr. Causevic indicated that the busiest day would likely be Friday prayer
- Mr. Causevic indicated that the mosque does not just have Bosnian Muslims in attendance as other Muslims attend because of the proximity and location of the mosque
- Councillor Clark asked about the attendance at the mosque and vehicle parking
- Mr. Causevic indicated that many of the people walk to the mosque because of its central location or car pool.

- Councillor Clark asked if the mosque holds events, such as stag parties
- Mr. Causevic indicated that besides religious services and teaching they will only be doing small events like garage sales in a community outreach effort

- Councillor Pearson asked about the maximum height of the building
- Staff indicated that the roof height line is limited to 10.3 metres however the domes and minaret are excluded from this height
- Mr. Causevic indicated that it with the minaret the total height would be about seventy feet from the ground

The presentation by Mr. Causevic respecting Report PED11113 Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street, was received.

Donna Balcome, of Celtic Drive, addressed the Committee. Highlights included but were not limited to the following:

- Indicated she lived directly behind the mosque and had lived in the area for thirty years
- Indicated that she had issue with the fumes and noise from parking
- Described how her property is at a significantly higher level of grading than the mosque's property
- Discussed fears that the proposed basement in the mosque will not be used for storage but for events and enlargement of the congregation
- Described how she feels the congregation will continue to grow and will expand if this amendment is approved
- Indicated that the tall one storey proposed for the mosque is much higher than the residential bungalows that are in the area
- Indicated that there is no turnabout available in the parking area
- Discussed her concerns around car fumes from the parking lot
- Asked where the snow would be plowed in the parking lot
- Asked what plans and information is made available to the public

Committee members asked several questions highlights included but were not limited to the following:

- Councillor Pearson commented that she would follow up with residents as the work moved forward

- Councillor Farr asked what Ms. Balcome's neighbours said about the activity levels in the nearby commercial properties and how that impacts the area

- Ms. Balcome indicated that in the evenings the commercial area is relatively quiet. She indicated that she would be happier with a commercial property in that proposed location rather than an expansion of the mosque.
- Councillor Farr asked about the amount of people that use the mosque
- Ms. Balcome indicated that she feels that once the expansion occurs she will not even be able to sit in the backyard stating that the facility is too large for the area
- Ms. Balcome described the property being used like a park and there are a lot of kids playing.
- Indicated that vehicles are using the parking in the night
- Councillor Collins asked about the height difference in grading between her property and the mosque
- Ms. Balcome indicated that the height difference at her property is sixteen inches and at her neighbours property it is about two feet.
- Councillor Collins asked staff about where the noise buffer fence would be installed inquiring if it would be on the same level of the retaining wall or the lower grade below it
- Staff indicated that there was not a survey done yet in respect to whose property the retaining wall was on
- Staff further clarified that the intent is that the visual barrier is at least two metres in height to protect the adjacent residential areas
- Councillor Collins asked about moving parking spaces towards Barton Street
- Staff indicated that perhaps one or two spaces could be added however there would also have to be Boulevard agreement.
- Staff indicated that this could be done through amending the proposed By-law amendments to remove the requirement for the land buffer strip adjacent to Barton Street or by reducing that buffer to 0 metres

The delegation by Donna Balcome respecting, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street, was received

On a Motion the rules of order were waived to allow the agent for the applicant to address the Committee again.

Eno Causevic, agent for the applicant/owner addressed Committee. His comments included, but were not limited to, the following:

- Indicated they are willing to build whatever size of fence required to please the community
- Indicated that they are going to use some of the area in the basement for storage and a classroom however they won't be having parties or weddings there
- Discussed that there is already an issue of air pollution in the Barton Street area which will not be made worse by the addition of vehicles to the mosques' parking lot
- Indicated that they do have children in the area and let them out from Sunday school for 15-20 minutes however they do not have them there all day treating the area like a public park

Committee members had several questions of the proponent. Highlights included but were not limited to the following:

- Councillor Johnson asked if they could look to move the recycling and garbage in the area
- Mr. Causevic indicated that he would look into this
- Councillor Clark asked about lighting and security cameras in the parking lot
- Mr. Causevic indicated that this is something that would be examined in the next stage of planning and that they are very willing to address the concerns of the neighbourhood

The delegation by Mr. Causevic respecting Report PED11113 Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Properties Located at 202 and 208 Barton Street, was received.

Committee members made several comments, highlights included but were not limited to the following:

- Councillor Pearson went over the past history of the Bosnian Mosques look to expand
- Discussed the concessions and vast amount of work done by the proponent
- Indicated she would examine like to see options on eliminating the street buffer however would be cautious of impacting Barton Street
- Discussed the need for the City to address and amend By-laws through the establish committee process or else building in Hamilton would halt
- Discussed the problem that some commercial facilities in the area that have had with the congregation use their parking spots
- Expressed hopefulness that the expanded parking at the mosque would help alleviate this
- Thanked the residents and the proponent for all their work on this

- Councillors thanked Councillor Pearson for her work with the area in on this matter indicating that her efforts as the Ward Councillor have helped the issue proceed smoothly
- Councillor Clark Indicated that if this was not made into a place of worship it likely would have been requested for a zoning change to commercial
- Commented that he felt that a commercial property would be noisier in this location
- Councillor Clark discussed how he has not seen any empirical information that property values are impacted by this type of project
- Described how because of the new development there will be an increase in parking of 140% on the property
- Indicated that if this application was denied and challenged at the Ontario Municipal Board the proponent would have a very good case

There being no other members of the public in attendance wishing to be heard the Public Meeting respecting Report PED11113, was closed on a Motion.

- (a) That the required “2.0 metre” setback from the street line for parking and the “2.0 metre” wide planting strip between the street line and parking spaces or aisle be deleted and replaced with a “0 metre” setback.
- (b) That the required “2.0 metre high board-on-board fence” be deleted and replaced with a “board-on-board fence that is a minimum of 2.0 metres and a maximum of 3.0 metres in height”

Amendment CARRIED

(ii) Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 71 Wilson Street East (Ancaster) (PED11117) (Ward 12) (Item 6.2)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- (a) 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 passes the amendment to the Ancaster Official Plan and the Zoning By-law, 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.

- (b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before Council approves the amendment to the Ancaster Official Plan and Zoning by-law, 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

No members of the public came forward to be heard

On a Motion the Committee dispensed with the staff presentation on, Report PED11117 respecting, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 71 Wilson Street East (Ancaster).

On a Motion the Public Meeting respecting Report PED11117, was closed.

Committee members had several questions highlights included but were not limited to the following:

- Councillor Ferguson asked if one day this site could be made into a pizza shop as was described in a letter of concern on the proposed amendment.
- Staff clarified that the use is restricted to professional uses such as offices
- Councillor Ferguson asked Gerry Gatto, the proponent, if he was supportive of maintaining the heritage features of the building
- Mr. Gatto indicated that he would maintain the heritage characteristics

(iii) Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 95 Rymal Road West (Hamilton) (PED11123) (Ward 8) (City Wide) (Item 6.3)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- (a) 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 passes the amendment to the zoning by-law, 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.

- (b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before Council approves the amendment to the zoning by-law, 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 to be heard

On a Motion the Public Meeting respecting Report PED11123 was closed. On a Motion the Committee dispensed with the staff presentation on Report PED11123 respecting Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 95 Rymal Road West.

(iv) B-Line Nodes and Corridors Land Use Planning Study and Mid-Rise Development (PED11125) (City Wide) (Item 7.1)

Tim McCabe, General Manager of Planning introduced the presentation and provided an overview of the need to move forward with studies. Highlights included but were not limited to the following

- Indicated the need to move forward with urban design guidelines
- Discussed the need to study nodes and corridors as expressed in the Official Plan
- Discussed the need to create intensification
- Indicated that there is a great amount of work to be done on urban design and nodes and corridors are a large part of this work
- Indicated that this is independent of the rapid transit discussion and this study is required regardless of the LRT
- Indicated that there are challenges being faced such as the local housing market
- Discussed the work done by Ann McIlroy of Brock and McIlroy in assisting Toronto in urban design
- Staff indicated that they would bring back a work plan on the nodes and corridors study

Ann McIlroy provided an overview of the report with the aid of a PowerPoint presentation. Her comments included but were not limited to the following:

- Discussed that there are a lot of common issues from the mid-rise study done in Toronto and this issues encountered in Hamilton
- Went through the study process followed in Toronto
- Indicated that there is a wide variety of avenues that they deal within this study

- Discussed the objectives of the study is to outline appropriate growth and recognize the surrounding residential areas
- Described the consultation processes as an essential part of the study, meeting with fire, transportation , legal, architects
- Indicate that development doesn't happen all at once and they are really looking at the 20-15 year plan and the incremental development over that period
- Discussed the importance of mid-rises in creating vibrant communities and increasing intensification
- With the mid-rise plan pedestrians look to the sky to see landmark buildings and this is possible in Hamilton because of mid-rises
- Indicated that the maximum height of the buildings will be based on the width of the avenue
- Discussed the need for set-backs on higher floors for larger buildings
- Indicated that the intent of the mid-rise height and setbacks at higher levels is to allow sunlight to reach the pedestrian level and create a minimum of five hours of sunlight on a public sidewalk on a given day
- Discussed the rear transition to the neighbourhoods
- Discussed that often an additional buffer behind the building is a laneway used for a service entry
- Discussed the set backs needed and streetscapes designs required
- Discussed the need to address heritage buildings and preserve heritage features

Committee members asked several questions. Highlights included but were not limited to the following:

- Councillor Collins asked about the differences between Toronto and Hamilton. Indicating that in Hamilton there is more work to be done to encourage builders. He asked for details about what incentives Toronto offers
- Ms. McIlroy indicated that one incentive hoped for in the future is that the Building Act will be amended to allow greater flexibility with the building of six story buildings hopefully allowing for stick or wood construction.
- Ms. McIlroy indicated that without the incentives to expedited development mid-rises aren't desirable; however if there was an expedited process that set out desirable mid-rise construction and allowed for less consultation and risk of OMB hearings builders would develop more mid-rises
- Discussed making measurable criteria such as capping heights based on the width of the road to set out clearly defined parameters on acceptable mid-rise parameters and allow for expedited approvals

- Councillor Collins asked how Toronto is dealing with parking
- Ms. McIlroy indicated that typically parking requirements are lessened when the area is close to public transit however they are not waived
- Indicated that street parking is ideal as it encourages shopping

- Councillor Collins asked what can you do when you have a site that does not have the room for the setback at the rear of the building
- Ms. McIlroy indicated that if there is not the room for a setback prior to existing residential development often times the same building height cannot be achieved; however these standards would be readily available and easily understandable to developers

- Councillor Clark asked the scope of the Toronto study done
- Ms. McIlroy indicated that there have been 324 km's studied in the first phase of the project

- Councillor Clark asked how long the process took in Toronto
- Ms. McIlroy indicated that the study took around a year and then consultations and changes took around two years
- She indicated this process was aided by some previous studies done by her firm which helped them expedite some of the work

- Councillor Clark asked how to get community buy in for intensification
- Ms. McIlroy indicated that there is a lot of work done in terms of educating as well as allow participation by residents and include them throughout the process
- Indicated that residents were on board when they realized that encouraging mid-rise building was a much better option than going to the OMB for high-rises to be constructed in an area

- Councillor Pearson asked if there were issues or concerns for balconies on these buildings
- Ms. McIlroy indicated that balconies were seen as a positive; however required to be included within the overall mass of the building and should not be the only amenities of site for residents

- Councillor Farr asked if preservation and restoration of existing mid-rises took precedent over new development
- Ms. McIlroy indicated that they look first to the historic mid-rises to set the tone and fabric for a neighbourhood from the outset
- Discussed the need for new development to complement heritage features in the area

- Councillor Ferguson asked about the setbacks for the area and the hours of light on a sidewalk

- Ms. McIlroy indicated that the sunlight is measured in June and March to ensure coverage
- Councillor Ferguson asked about stick construction up to six floors
- Ms. McIlroy indicated that in British Columbia they are allowed to use wood construction up to six floors and they are hoping that similar allowances will be made in Ontario as it would encourage mid-rise development

On a Motion the presentation by Ann McIlroy respecting Mid-rise Studies, was received.

Christine Lee-Morrison provided an overview of the report with the aid of a PowerPoint presentation. Her comments included but were not limited to the following:

- Discussed the work being done on the B-line study
- Discussed that extensive community and consultation process undergone
- Indicated the need for reorganization in the area and intensification in this corridor
- Discussed the mid-rise development and indicated that there are opportunities for mid rise along the corridor as well as some limited opportunities for high rises
- Indicated that mid-rises are the greatest opportunity for development
- Discussed the need to make a Hamilton model that considers the weaker housing market
- Looking to improve the image of the communities around the corridor
- Described the need to continue to working with developers to help understand uniquely Hamilton issues
- Will move forward and develop parking strategies in key corridors
- In terms of working with stakeholders, are holding design charettes and public meetings with stakeholders and general public
- Having full-day sessions; invited small groups of stakeholders; have hired local architects to work with small groups
- Showed Longwood Road and Main Street West Station Area Design Charette
- Concepts arrived at to date have been well received
- Addressed tools for regulating building form
- Discussed the next steps on the B-line study were to hold more consultations going into the summer and that they would be looking to have a plan before Committee for further discussion in the fall.

Committee members asked several questions. Highlights included but were not limited to the following:

- Councillor Collins asked why they wouldn't do a City Wide approach on this issue
- Staff indicated that they have the opportunity to address the B-line now and that the tools that work for the B-Line will be slightly different from other corridors

- Councillor Collins indicated that he wouldn't want to see residential neighbourhoods impacted by this and would like to see a City Wide approach rather than have different standards across the City of Hamilton. He asked staff if it was possible to set the urban design guidelines first
- Staff indicated that they could come back to the Committee with the major guidelines for their consideration
- Councillor Collins questioned why the secondary plan is being moved forward with the B-Line as there isn't a lot of new development there, instead the area has a lot of adaptive reuse of buildings

- Councillor Clark asked how many stakeholders they were consulted
- Staff indicated that they have met with six smaller groups of stakeholders of around ten and then holding evening public meetings that saw around 30-40 attendees and a larger information session that attracted over a hundred people. Staff described how they found the stakeholders to take part in this process

- Councillor Clark asked about the relation of this study to the LRT
- Staff indicated that this is a secondary plan that will stand as a secondary plan regardless of the LRT process going forward
- Staff clarified that they are focusing on areas that are key locations for transit regardless of what happens with the LRT project
- Staff indicated that there are advantages to looking at land use and transportation in an integrated fashion

- Councillor Clark asked about LRT and HSR stop integration
- Staff indicated that largely the HSR stops would remain in the same location

- Councillor Clark asked about the budget amount relating to HSR and LRT
- Staff indicated that they didn't have those numbers on hand

- Councillor Clark indicated that Council hasn't determined where to begin the nodes and corridors studies, indicating that he feels the Rymal Road should be a higher priority

- Staff indicated there was an opportunity to use Provincial money for the LRT for this project and this work was required as preparation in case the LRT moves forward.
- Councillor Farr asked about the messaging of the public meetings and if they were advertised to be in relation to Rapid Transit
- Staff indicated that sometimes both were advertised together however there was a clear indication that they were looking for stakeholders on the B-Lines and Nodes study
- Councillor Farr asked how staff would move forward with all the studies necessary for nodes and corridors
- Staff indicated that once they get the studies done, the zoning and approvals in place. They will work towards allowing the developers to expedite their approvals in 4-5 weeks without requiring Council approval.
- Councillor Farr asked if Committee could be provided with a visual map indicating where intensification can exist and be implemented
- Staff indicated that they are currently working on this in the corridor study
- Staff clarified that they would not use expropriation to purchase residential houses for the purposes of rear to allowances put would place a holding provision on the houses which would not require the residents to leave
- Councillor Collins discussed the need to have a wider discussion around the plans either at the Planning Committee or at the General Issues Committee
- Staff indicated that there would be an opportunity when this item comes back to have further discussions
- Councillor Collins discussed the need to identify areas of higher priority for studies of nodes and corridors
- Staff indicated that could come back in the fall with a work plan for further discussion
- Councillor Collins indicated that the amount of buildings constructed in Hamilton are not meeting their projections of the Province asking how can this be addressed moving into the future
- Staff indicated that there is no penalty for not meeting the intensification targets set by the Province
- Staff indicated that the Province is looking at the numbers they have and that
- Councillor Partridge asked about heritage buildings and if they have been identified in this study

- Staff indicated that they have been taking an inventory of historical buildings and areas of cultural heritage landscapes
- Councillor Clark indicated that he would like some form of update on the LRT to come to Committee
- Staff indicated that they would be discussing this at the Senior Management Team and would be looking to have bring something forward to Committee

On a Motion the staff presentation respecting B-Line Nodes and Corridors Land Use Planning Study and Mid-Rise Development was received.

(f) Report 11-002 Agricultural and Rural Affairs Advisory Sub-Committee (Item 8.1)

Item 1 Wind Turbines

That Council put a moratorium on wind turbines in Ontario until a comprehensive study has been completed which studies the affects of wind turbines on humans and wildlife.

On a Motion Item 1 of the Report 11-002 Agricultural and Rural Affairs Advisory Sub-Committee was referred to the General Issues Committee.

The Motion CARRIED on the following Recorded Vote:

Yeas:	M. Pearson, J. Partridge, C. Collins, R. Pasuta, B. Johnson, J. Farr
Total:	6
Nays:	B. Clark
Total:	1
Absent:	T. Whitehead, L. Ferguson
Total:	2

(g) GENERAL INFORMATION (Item 11)

(i) Outstanding Business List (11.1)

- (a) On a Motion the following Items were removed from the Outstanding Business List
- (i) Item W: Theft of gas drive-offs
 - (ii) Item M: Fireworks By-law

(b) On a Motion the following Due Dates were Amended

- (i) Item G: 17 Ewen Road
 Due Date: July 5, 2011
Proposed New Due Date: October 18, 2011
- (ii) Item H: Grading policy / Processes for new development
 Due Date: July 5, 2011
Proposed New Due Date: August 8, 2011
- (iii) Item V: Proposed policy on release of names of owners
 whose dogs attack others
 Due Date: July 3, 2011
Proposed New Due Date: November 8, 2011

(h) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – June 21, 2011

The Closed Session Minutes of June 21, 2011 were approved as presented.

(i) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 3:08 p.m.

Respectfully submitted,

Councillor R. Pasuta
 Chair, Planning Committee

Andy Grozelle
 Legislative Assistant
 Office of the City Clerk
 July 5, 2011

Authority: Item [REDACTED]
Planning Committee
Report: 11-[REDACTED] (PED11113)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW No. [REDACTED]

**To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 202 and 208 Barton Street (Stoney Creek)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2011, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek);

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

1. That Map 1145 of Schedule "A" to Zoning By-law No. 05-200 is amended by:
 - (a) Changing the zoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 41) Zone, Modified, applicable to Block "1", boundaries for the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A"; and,

- (b) Incorporating the Neighbourhood Institutional (I1, 41) Zone, applicable to Block "2", boundaries for the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Schedule "C" - Special Exceptions of By-law No. 05-200 is amended by adding an additional Exception as follows:
- 41. That notwithstanding Sections 8.1.3.1(d), 5.1(a)(v), 5.2(a), and 5.6(c) of this By-law, on those lands zoned Neighbourhood Institutional (I1, 41) Zone, on Map 1145 of Schedule "A" - Zoning Maps and described as 202 and 208 Barton Street (Stoney Creek), the following regulations shall also apply:
 - (a) A minimum front yard of 4.0 metres shall be provided and maintained;
 - (b) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be permitted 0.0 metres from a street line, and no planting strip is required between the street line and the said parking spaces or aisle;
 - (c) A minimum 1.5 metre wide planting strip and a minimum 2.0 metre high board-on-board fence and maximum 3.0 metre high board-on-board fence shall be provided and maintained along the southerly rear lot line; and,
 - (d) Parking shall be provided for a Place of Worship at a ratio of 1 parking space for every 10.75 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use.
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.

4. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2011.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-11-007



This is Schedule "A" to By-Law No. 11-

Passed the day of, 2011

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 11-_____

to Amend By-law No. 05-200
Map 1145

Subject Property

202 and 208 Barton Street, Stoney Creek



Block 1: Change in Zoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 41) Zone, Modified



Block 2: Lands to be Zoned Neighbourhood Institutional (I1, 41) Zone, Modified

Scale:
N.T.S.

File Name/Number:
ZAC-11-007

Date:
May 6, 2011

Planner/Technician:
GM / MB



Hamilton