



## **PLANNING COMMITTEE**

**MINUTES 11-014**

**Monday, August 8, 2011**

**9:30 am**

**Council Chambers**

**City Hall**

**71 Main Street West**

**Hamilton, Ontario**

---

**Present:**

Mayor B. Bratina

Councillors R. Pasuta (Chair), B. Clark (1<sup>st</sup> Vice Chair), J. Farr (2<sup>nd</sup> Vice Chair), C. Collins, L. Ferguson, B. Johnson, J. Partridge, M. Pearson and T. Whitehead

**Also Present:**

Councillor S. Duvall

T. McCabe, General Manager, Planning & Economic Development

M. Hazell, Senior Director, Parking & By-Law Services

P. Mallard, Director, Planning

J. Spolnik, Director, Building Services

B. Janssen, Director, Strategic Services

G. Wide, Manager, Enforcement

S. Robichaud, Manager, Development Planning

P. De Iulio, Senior Project Manager

C. Bell, Senior Planner

D. Fisher, Assistant City Solicitor

R. Sabo, Assistant City Solicitor

L. Pasternak, Senior Solicitor

H. Travis, Senior Planner

C. Vanderperk, Superintendent, Environmental Monitoring & Enforcement, Public Works

I. Bedioui, Legislative Assistant, Office of the City Clerk

**THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:**

1. **Hamilton Community Heritage Fund Loan Program Application (HCHF2011-002) for the Property Located at 335 Lima Court, Ancaster (Harmony Hall) (PED11137) (Ward 12) (Item 5.1)**

**(Pearson/Clark)**

That approval be given to Hamilton Community Heritage Fund Loan Program Application (HCHF2011-002), for property located at 335 Lima Court (Ancaster) (Harmony Hall), as shown on Appendix "A" to Report PED11137, subject to the following:

- (a) That a loan commitment of up to \$25,000.00 be approved, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program, for the replacement of cedar roofing on the house.
- (b) That the property owner and the City shall enter into a Heritage Conservation Easement Agreement.
- (c) That the Mayor and Clerk be authorized and directed to execute the loan agreement and security documentation with respect to Recommendation (a) above, in a form satisfactory to the City Solicitor.
- (d) That the General Manager of the Planning and Economic Development Department be authorized to amend the loan agreement provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.
- (e) That Report PED11137 be forwarded to the Hamilton Municipal Heritage Committee for information.

**CARRIED**

2. **Lot Grading, Drainage and Site Alteration - Comprehensive Policy Review PED10091(c) (City Wide) (Item 5.2)**

**(Ferguson/Partridge)**

That Report PED10091(c) respecting Lot Grading, Drainage and Site Alteration - Comprehensive Policy Review be received.

**CARRIED**

3. **Heritage Permit Application HP2011-038 Under Part IV of the Ontario Heritage Act for Erection of Structures at 930 Beach Boulevard (Hamilton) (PED11143) (Ward 5) (Item 5.3)**

**(Ferguson/Collins)**

That Heritage Permit Application HP2011-038 be approved for the erection of a new single-detached residence, and attached garage, on the designated property at 930 Beach Boulevard (Hamilton Beach Heritage Conservation District),

(Hamilton), as shown on Appendix "A" to Report PED11143, subject to the following conditions:

- (a) That the grading, front and side yard setbacks, and building heights shall be submitted, to the satisfaction and approval of Planning staff, prior to final Site Plan approval and/or submission as part of any application for a Building Permit.
- (b) That the detailed specifications of the cladding, windows, doors, and other building materials for the new house and garage shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.
- (c) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas shall be submitted, to the satisfaction and approval of Planning staff, prior to installation.
- (d) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation.
- (e) That as many existing trees as possible shall be retained, and/or that one to three new trees of a minimum caliper of 55mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling.
- (f) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals.
- (g) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.
- (h) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2013. If the construction and site alterations are not completed by August 31, 2013, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**CARRIED**

- 4. 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) (Referred back by Council) (Item 6.1)**

**(Clark/Johnson)**

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider 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 no discharge be permitted from the proponent unless the discharge complies with the requirements of the City's Sewer Use By-law;

- (vii) 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.
  - (viii) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment.
  - (ix) 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.

**CARRIED**

5. **Application for Amendment to Zoning By-law No. 6593 for Lands Located at 151 John Street South (Hamilton) (PED11132) (Ward 2) (Item 6.4)**

**(Pearson/Farr)**

That approval be given to **Amended Zoning Application ZAR-10-043, by RMAI Mortgage Concepts, Owner**, for a change in zoning from the "H" (Community Shopping and Commercial, etc.) District, to the "H - 'H'/S-1647" (Community Shopping and Commercial, etc. - Holding) District, Modified, to permit the conversion of an existing commercial building for up to 16 apartment units, on lands located at 151 John Street South (Hamilton) as shown on Appendix "A" to Report PED11132, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11132, which has been prepared in a form satisfactory to the City Solicitor, be passed.
- (b) That the amending By-law be added to Schedule "A", Map No. E5 of Zoning By-law No. 6593.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

**CARRIED**

6. **Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 121 Hunter Street West (Hamilton) (PED11131) (Ward 2) (Item 6.5)**

**(Pearson/Ferguson)**

That approval be given to **Condominium Conversion Application CDM-CONV-11-001, by Renimmob Properties Limited, c/o The Effort Trust Company, Owners**, to establish a Draft Plan of Condominium for 232 dwelling units, located at 121 Hunter Street West (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED11131, subject to the following:

- (a) That this approval shall apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated February 15, 2011, showing a total of 232 residential apartment dwellings and 198 vehicular parking spaces, attached as Appendix "B" to Report PED11131.
- (b) That the following conditions shall apply to the Draft Plan of Condominium Approval:
  - (i) That the Final Plan of Condominium shall comply with all of the applicable provisions of the applicable Zoning By-law, to the satisfaction of the Manager of Development Planning.

- (ii) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
- (iii) That the owner shall submit a report in accordance with Section 9(4) of the Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration. That the owner further agrees to include a copy of this Report in all Offers of Purchase and Sale.
- (iv) That the owner shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”
- (v) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with the telecommunications service provider, approved by the Canadian Radio and Telecommunications Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service, that identifies, at a minimum, the caller’s name and location information.
- (vi) That the owner shall prepare a reference plan to establish a 9.0 metre wide servicing easement, centered over the existing sewer, in favour of the City of Hamilton, and to register the easement on the title of the lands, to the satisfaction of the Manager of Design and Construction.
- (vii) That the owner shall provide a centralized mail facility, at their own expense, within the building’s common lobby, common indoor, or sheltered space, to the satisfaction of Canada Post.
- (viii) That the owner shall submit a Landscape Plan to show additional tree plantings on the road allowance of Hunter Street West, to the satisfaction of the Manager of Forestry and Horticulture.

**CARRIED**

**7. City Initiated Application for an Amendment to City of Hamilton Zoning By-law 05-200 for Lands Located at 75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton) (PED11141) (Ward 3) (Item 6.6)**

**(Ferguson/Farr)**

That approval be given to City-Initiated Zoning Amendment Application CI-11-B for a change in zoning from the City Wide Park "P3" Zone to the City Wide Park "P3, 42" Zone, with a Special Exception, to modify the existing zoning to facilitate the re-development of Ivor Wynne Stadium, for the lands located at 75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton), as shown on Appendix "A" to Report PED11141, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11141, which has been prepared in a form satisfactory to the City Solicitor, be passed.
- (b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
- (c) That upon final approval of the implementing By-law, the Stipely Neighbourhood Plan be amended to change the designation of a portion of the subject lands from "Park and Recreational" to "Civic and Institutional", and to remove Policy VI b).

**CARRIED**

**8. 180 Beach Boulevard, Hamilton – Cash-in-Lieu of Parkland (PED11139) (Ward 4) (Item 8.1)**

**(Pearson/Whitehead)**

That the cash-in-lieu of parkland fee in the amount of \$3,800 be waived for the proposed development at 180 Beach Boulevard, Hamilton for a place of worship for Many Mansions Spiritual Centre Inc. (MMSCI).

**CARRIED**

**9. Lafarge Dundas North Quarry Extension CART Report (PED11133) (Ward 14) (Item 8.2)**

**(Clark/Whitehead)**

- (a) That the Report, entitled "CART Report Lafarge Dundas North Quarry Extension" (attached as Appendix "A" to Report PED11133), be received and be made available on the City of Hamilton's Lafarge North Quarry Extension website for public review and comment.
- (b) That Planning staff be directed to report back to Council with a recommendation regarding the proposed amendments to the



Flamborough Official Plan (File No. OPA-07-015) and Flamborough Zoning By-law No. 90-145-Z (File No. ZAC-07-054), as well as the Category 2, Class A, Quarry Below Water Licence application for the proposed extension to the existing Lafarge Dundas North Quarry.

- (c) That the City Clerk forward a copy of Report PED11133 to the members of CART for their information.
- (d) That Planning staff be directed to report back to Council on any comments/resolutions from the Boards of the Hamilton Conservation Authority and Conservation Halton, and any comments received from members of the public or local advisory groups or agencies, on the CART Report (attached as Appendix "A" to Report PED11133).

**CARRIED**

**10. Special Event Parking in the Vicinity of Winona Park (PED11135) (Ward 11)  
(Item 8.3)**

**(Whitehead/Johnson)**

- (a) That the following Special Event Parking Plan be adopted for local residential streets during major special events at Winona Park:
  - (i) That the boundaries for the Special Event Parking Plan be defined as shown on the map attached as Appendix "A" to Report PED11135;
  - (ii) That permit parking restrictions be in effect where parking is allowed on local residential streets within the defined boundaries during major special events at Winona Park;
  - (iii) That staff be authorized to implement the Special Event Parking Plan for major special events at Winona Park, as deemed necessary in consultation with the Ward Councillor;
  - (iv) That special event parking permits be issued at no charge to area residents and guests in accordance with the following criteria:
    - 1. Two special event parking permits will be issued to residents living in one, two or three family dwellings within the defined special event parking areas and two additional guest permits may be obtained at the Hamilton Municipal Parking system office, 80 Main Street West or at the Stoney Creek Municipal Service Centre, 777 Highway 8,
    - 2. Special Event Parking Permits will not be issued to businesses and/or their employees, except under unique

circumstances and after consultation with the Ward Councillor,

3. Commercial vehicles and heavy vehicles will not be eligible for permits as parking is prohibited for these classes of vehicles on local residential streets under general provisions of Parking By-law #01-218 (Note: deliveries will not be affected); and,
  4. Any resident displaying a valid time limit exemption or reserved parking permit for permanently signed streets will not be required to obtain a Special Event Parking Permit.
- (v) The manufacturing and erecting of special event signing will be paid for by event organizers;
  - (vi) All special event parking signs will be displayed at least 12 hours prior to the scheduled start of a major special event at Winona Park in order to allow motorists to either obtain a permit (if they have not already done so) or to make alternate parking arrangements;
  - (vii) Parking Control Officers will be assigned to patrol the area during major special events at Winona Park in order to provide enforcement and public relations to motorists as required; and,
  - (viii) Staff, in consultation with the Ward Councillor will, if necessary, report back with recommendations for fine tuning the Special Event Parking Plan for future years.
- (b) That the By-law, attached as Appendix "B" to Report PED11135, being a by-law to amend By-law No. 01-218 - Regulate On-Street Parking, be passed.

**CARRIED**

**11. Demolition Permit – 245 Catherine Street North, Hamilton (PED11136)  
(Ward 2) (Item 8.4)**

**(Clark/Whitehead)**

- (a) That an expenditure of no more than \$135,000.00 to demolish the commercial building at 245 Catherine Street North, Hamilton, including the safe removal of vats containing high-phosphorus rain-water; be approved;
- (b) That the Senior Director of Parking and By-law Services be authorized and directed to apply for a Demolition Permit for 245 Catherine Street North, Hamilton, in accordance with a final and binding Order to Comply

under the Property Standards By-law No. 10-221 and subsection 30(4) of that By-law;

- (c) That subsections (a) and (b) become effective should the owner of 245 Catherine Street North, Hamilton not apply for and carry out a demolition permit of the commercial property, of his own volition, including the safe removal of vats containing high phosphorus rain-water within 60 days of Council's approval of this recommendation.

**CARRIED**

**FOR THE INFORMATION OF COMMITTEE:**

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

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

- (i) Added Correspondence to Item 4.2 – Andrew Knowles, Petition respecting the Intensification on the Chedoke Brow Lands
- (ii) Added as Item 4.4 – a Delegation Request submitted by Rod Priel, respecting the Chedoke Brow Lands Matter
- (iii) Added as Item 4.5 – a Delegation Request submitted by Roy Walker respecting the Chedoke Brow Lands Matter
- (iv) Deferral of Item 6.2 Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Located at 45 Royal Winter Drive (Glanbrook) (PED11058(a)) (Ward 11) as the applicant wishes to make further amendments to the plan.

**(Pearson/Clark)**

That Item 6.2 respecting Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Located at 45 Royal Winter Drive (Glanbrook) (PED11058(a)) (Ward 11) be deferred to allow the applicant to make further amendments to the proposal.

**CARRIED**

**(Partridge/Johnson)**

That the Agenda for the August 8, 2011 meeting of the Planning Committee be approved, as amended.

**CARRIED**

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

Councillor Pearson declared an interest with respect to Information Item (g)(ii) as she is an owner of rental properties.

**(c) APPROVAL OF MINUTES (Item 3)**

**(Collins/Clark)**

That the Minutes of the July 5, 2011 Planning Committee meeting be approved, as presented.

**CARRIED**

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

**(i) Rose Nielson, respecting Issues with Two Building Lots on Whitefish Crescent, Stoney Creek (Item 4.1)**

**(Johnson/Clark)**

That the delegation request, submitted by Rose Nielson, respecting Issues with Two Building Lots on Whitefish Crescent, Stoney Creek, be approved.

**CARRIED**

**(ii) Andrew Knowles, Chedoke Brow Lands Community Group, respecting Intensification on the Chedoke Brow Lands (Item 4.2)**

**(Whitehead/Johnson)**

(a) That the delegation request, submitted by Andrew Knowles, Chedoke Brow Lands Community Group, respecting Intensification on the Chedoke Brow Lands, be approved.

(b) That the Rules of Order be waived to permit Andrew Knowles to appear before the Planning Committee on August 8 2011, respecting Intensification on the Chedoke Brow Lands.

**CARRIED**

Mr. Knowles read from a written statement a copy of which was included in the agenda and an amended copy was distributed to the Committee. Mr. Knowles' comments included, but were not limited to, the following:

- He is representing his grandmother who has been a resident of the area for 31 years;
- He is an ecosystem management graduate and a political science student;
- He is requesting that the community be given a further chance to provide input;
- He is concerned with lack of transparency;
- The owner may be a land speculator – apparently there is a new proponent;

- Has an Environmental Assessment and a Geological Assessment been undertaken?
- How will blasting affect the existing homes in the area?
- Any development in the area should be of the lowest density possible;
- He is requesting that the character of the community be preserved;
- He is requesting that the wild life and green space be protected;
- He noted the historical significance of the property;
- He is concerned with increased traffic which will be a result of the proposed intensification.

Mr. Knowles submitted a copy of his written statement and other hand-outs for the Clerk's record, including a petition of 1,146 signatures protesting this development;

**(Collins/Ferguson)**

That the written submissions from Mr. Knowles be received.

**CARRIED**

**(Whitehead/Johnson)**

That the presentation provided by Andrew Knowles, Chedoke Brow Lands Community Group, respecting Intensification on the Chedoke Brow Lands, be received.

**CARRIED**

Mr. Knowles responded to questions from the Committee. The Committee noted that the matter is currently before the OMB.

**(iii) Colleen Jewell, respecting the Chedoke Brow Lands (Item 4.3)**

**(Whitehead/Johnson)**

- (a) That the delegation request, submitted by Colleen Jewell, the Chedoke Brow Lands, be approved.
- (b) That the Rules of Order be waived to permit Colleen Jewell to appear before the Planning Committee on August 8 2011, respecting the Chedoke Brow Lands.

**CARRIED**

Ms. Jewell read from a prepared statement a copy of which was presented to the Clerk for the record. Ms. Jewell's comments included, but were not limited to, the following:

- On June 10, 2010 she addressed Committee respecting this matter and her written statement was submitted to the Clerk at that time;
- She had hope and was glad with the City's decision;

- Now the situation has changed;
- She addressed the OMB at the hearing;
- There was a petition signed by 600 tax payers;
- A survey indicated that the Brow Lands community was against the proposed development;
- The city isn't listening;
- When a neighbourhood changes to non-homogeneous, the property owners can apply to MPAC for a property tax reduction in the area of 15%;
- Take into consideration what the residents want;
- A new developer will not change the flaws of the development;
- Concerned with the lack of transparency.

**(Pearson/Collins)**

That the presentation provided by Ms. Jewell, respecting the Chedoke Brow Lands, be received.

**CARRIED**

**(iv) Rod Priel, respecting the Chedoke Brow Lands (See Item 12.1)  
(Added Item 4.4)**

Rod Priel read from a prepared statement and a copy was submitted to the Clerk for the record. His comments included but were not limited to the following:

- Many Ontario residents are concerned with development proposals in their communities and lack the resources and specialized knowledge to participate in the complex planning process;
- It is easier for the developers who have resources to hire consultants;
- He has been involved with a small group interested in the protection of the Brow Lands for five years;
- He requests they have input in the settlement of this issue;
- He requests the issue be referred back for one more public consultation.

**(Pearson/Partridge)**

That the presentation provided by Mr. Priel, respecting the Chedoke Brow Lands, be received.

**CARRIED**

**(v) Roy Walker, respecting the Chedoke Brow Lands (See Item 12.1)  
(Added Item 4.5)**

Mr. Walker addressed Committee and his comments included but were not limited to the following:

- He is a resident by the Brow Lands and has been a party at the OMB;
- The residents have not had any substantive involvement in the process;
- Everything is on a “concept” basis;
- There is no concrete information provided;
- How can the residents provide input?
- They are concerned with being cut out of the process;
- They feel that it is a new application, a new plan and the parties are different;
- The ultimate decision is with the OMB;
- Requesting that the City not change its position of 350 to 450 units;
- Requesting that the City hold tight to recommendations made by Jamie Bennett, the City’s outside Planner.

Mr. Walker responded to questions from Committee.

**(Pearson/Johnson)**

That the presentation provided by Mr. Walker, respecting the Chedoke Brow Lands, be received.

**CARRIED**

Legal staff responded to questions from Committee which included but were not limited to the following:

- Is it possible to request input through a Community Liaison Committee (CLC)?
- How can the Committee make a decision in Closed Session without the community’s input?
- Is this in fact a new application?

Legal staff provided a clarification of the process to date.

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

- (i) 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) (Referred back by Council) (Item 6.1)**

Councillor Clark spoke to this issue indicating that he had requested that this report be referred back as he had some concerns and he spoke with Public Works staff about his concerns. He amended the staff recommendation as follows:

**(Clark/Johnson)**

That the staff recommendation be amended by:

- (a) Deleting subsection (a)(vi) and inserting the following in lieu thereof:
  - "(a)(vi) That no discharge be permitted from the proponent unless the discharge complies with the requirements of the City's Sewer Use By-law.";
- (b) Deleting subsection (a) (vii) in its entirety and re-lettering the subsequent subsections accordingly.

**CARRIED**

**(ii) Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Located at 45 Royal Winter Drive (Glanbrook) (PED11058(a)) (Ward 11) (Item 6.2)**

This Item was deferred at the request of the applicant as indicated in the changes to the agenda.

Chair Pasuta relinquished the Chair to Vice Chair Clark.

**(iii) Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton) (PED11138) (Ward 7) (Item 6.3)**

Christopher Bell, Senior Planner, addressed Committee respecting Report PED11138. Mr. Bell's comments included, but were not limited to the following:

- He explained that applications are to allow for the development of Phase II of the "Villages of Wentworth Heights";
- The entire property is 2.1 hectares;
- Located on N/W corner of Rymal Road and Upper Wentworth;
- Currently zoned major institutional which would permit the proposed use but not for the size and scale being proposed, therefore an amendment is required;
- A building height of 18 metres or 4 or 5 storeys is currently allowed and the application is for 36 metres or 10 storeys;
- Involves the rezoning of the existing building and the remaining lands which are vacant;



- Provided images of the site and surrounding area;
- There is a proposed health care campus with health care clinic;
- Will have low impact on shadow cast as per study provided by the applicant;
- Site plan application will be dealt with at a later date;
- Planning staff believe it is a compatible height;
- Staff are recommending approval;
- Only one letter of concern submitted from one resident regarding aesthetics and traffic impact;
- The concerned resident did not submit a letter after the second circulation;
- Traffic staff were circulated and provided input.

Committee asked questions which included but were not limited to the following:

- How will the widening of Rymal Road and the turning lanes be addressed?
- How many parking spaces are there?
- Will the property taxes be increased?

Councillor Duvall attended the meeting respecting Item 6.3 and his comments included but were not limited to the following:

- He knows the current facility is well run;
- His constituents have expressed concerns regarding the height of the building;
- What is normally allowed under the by-law?
- Would there be any overshadowing on the residents?
- Will the privacy of the residents be affected? – Staff confirmed there will be a view;
- Has a wind study been conducted? – Staff indicated that there is an additional site plan stage specific to heights and elevations and entrance points and wind effects;
- Are there any other buildings in the area that meet that height? – Staff indicated not in the immediate area but a few blocks away.

**(Ferguson/Partridge)**

That the staff presentation be received.

**CARRIED**

Glenn Wellings, of Wellings Planning Consultants Inc., addressed Committee, on behalf of his client Schlegel Villages, respecting Report PED11138 with the aid of a PowerPoint presentation and hand-outs were distributed. Mr. Wellings' comments included, but were not limited to the following:

- The landowner, Schlegel Villages Inc. is an experienced operator;
- The company owns 11 other locations in the Province;
- Very knowledgeable operator;
- The facility serves an important community need – we have an aging population;
- The proposal includes a town square offering a collection of amenities for the residents;
- The proposal includes a medical clinic on the west portion of the property which will be available to the residents and also to the public;
- There is a transit stop at the site;
- The proposal does conform to the official plan;
- The amendments are required only for the size of the project;
- The building is multi-leveled, designed for function and appearance;
- The number of parking spaces meets and exceeds the current zoning by-law standards (the by-law requires 183 and the proposal is providing 223);
- Only 10 % of the residents drive vehicles.

The applicant, Mr. James Schlegel, CEO of Schlegel Villages also addressed Committee. He confirmed that the proposal has enough parking. He responded to questions from Committee explaining the various levels of care that would be provided by the facility to seniors. Committee was interested in the number of residents, visitors, staff and external care providers that would be using the parking facilities. He confirmed that there would be green space provided for the residents. The amenities in the village square will not be available to the public.

**(Ferguson/Pearson)**

That the presentations by the agent and the applicant be received.

**CARRIED**

**Speakers**

**Valerio Cesarini, 76 Rita Avenue and 379 Rymal Road**

- He is a resident living adjacent to this development ; - speaking on behalf of himself, his partner and his neighbour;
- He recognizes that seniors need a building;
- There is nothing like this proposal on the mountain;
- Will shadow their property;
- Trying to cram monster on 2 hectare piece in the middle of the mountain;

- Doesn't know set backs on Rymal Road;
- Cars will be coming in and out;
- Staff will probably take up half the parking spaces;
- People will park on the street and on the courts;
- He owns a modest bungalow next to this development;
- Exhaust fumes and underground parking;
- Where is the underground parking?
- We have kids in the area;
- How many levels underground is the parking?
- The green space doesn't look very large to allow for the parking;
- What will be the separation from the residentail bungalows? Looks like a five or six foot strip;
- How will it affect the property values?
- This does not conform with the neighbourhood.

In response to questions from Committee he indicated:

- His property is located on Rymal Road;
- He is concerned with the amount of parking, the size of the set backs and the proposed building should be under four storeys in height.

**(Partridge/Johnson)**

That the delegation from Mr. Cesarini be received.

**CARRIED**

**Gilbert Deschatelets, 27 Bordeaux Court**

- He is a resident of Bordeaux Court;
- Concerned with the impact on traffic;
- Concerned with the proposed height.

**(Pearson/Farr)**

That the delegation from Mr. Deschatelets be received.

**CARRIED**

**George Zajac, Planner with IBI Group**

- He is representing the owners of the plaza located at 505 Rymal Road opposite of the subject proposal;
- They are not objecting to the proposal but have concerns with spillage of parking onto their lot.

**(Farr/Collins)**

That the delegation from Mr. Zajac be received.

**CARRIED**

**(Pearson/Farr)**

That, as there are no additional members of the public who wished to speak, respecting the Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road East, Hamilton, that the public meeting be closed.

**CARRIED**

Councillor Duvall noted that this is a good operation and a needed service for the community; however the area residents have expressed legitimate concerns and he would like 60 days to work with the residents and the applicant.

The applicant, Mr. Schlegel of Schlegel Villages, agreed to the deferral.

**(Partridge/Johnson)**

That Item 6.3 respecting Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton) (PED11138) be DEFERRED for 60 days in order to allow the Ward Councillor to work with the applicant and the residents.

**CARRIED**

**(iv) Application for Amendment to Zoning By-law No. 6593 for Lands Located at 151 John Street South (Hamilton) (PED11132) (Ward 2) (Item 6.4)**

**6.4 (a) Written Submission from Walter R. Wellenreiter, President, 1804461 Ontario Inc.**

**(Pearson/Johnson)**

That the written submission from Walter R. Wellenreiter respecting the Application for Amendment to Zoning By-law No. 6593 for Lands Located at 151 John Street South (Hamilton) (PED11132), be received.

**CARRIED**

**(Pearson/Farr)**

That the staff PowerPoint presentation be waived.

**CARRIED**

John Ariens, of IBI Group, addressed Committee, on behalf of his client, RMAI Mortgage Concepts, respecting Report PED11132. Mr. Ariens' comments included, but were not limited to the following:

- The application is to legalize the residential use of this property;
- Very affordable units in the downtown core;
- Not a mixed use building that would require more parking;
- The building is not a boarding house – it has self contained apartment units;
- Originally there were 18 units; however, a few were quite small. Applicant is now asking for 16 legally sized units;
- Façade needs to be modernized to look like residential façade;
- Will be in compliance with both building code and fire code;
- Crime prevention through urban design is an important component;
- Applicant has owned property less than one year and is trying to rectify the current illegal use.

**(Pearson/Johnson)**

That, as there are no additional members of the public who wished to speak, respecting the Application for Amendment to Zoning By-law No. 6593 for Lands Located at 151 John Street South, Hamilton, that the public meeting be closed.

**CARRIED**

**(Ferguson/Pearson)**

That the presentations, respecting the Application for Amendment to Zoning By-law No. 6593 for Lands Located at 151 John Street South, Hamilton, be received.

**CARRIED**

Committee approved the staff recommendation.

- (v) **Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 121 Hunter Street West (Hamilton) (PED11131) (Ward 2) (Item 6.5)**

**(Ferguson/Partridge)**

That the staff PowerPoint presentation be waived.

**CARRIED**

George Zajac, of the IBI Group, agent for the applicant advised that he concurs with the staff report. David Horwood (applicant) was also in attendance.

There were no questions from Committee of the agent.

**(Pearson/Farr)**

That, as there are no additional members of the public who wished to speak, respecting the Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 121 Hunter Street West (Hamilton), that the public meeting be closed.

**CARRIED**

Committee approved the staff recommendation.

**(vi) City Initiated Application for an Amendment to City of Hamilton Zoning By-law 05-200 for Lands Located at 75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton) (PED11141) (Ward 3) (Item 6.6)**

Heather Travis, Senior Planner, addressed Committee respecting Report PED11141. Ms. Travis' comments included, but were not limited to the following:

- This is a city initiative;
- Outlined location of subject lands;
- The purpose of the application is to amend the zoning by-law to facilitate the redevelopment of Ivor Wynn for the Pan Am games and to be the home of the Hamilton Tiger Cats and provide a venue for local sporting groups;
- Briefly outlined the proposed redevelopment;
- South elevation of south stands;
- Sketches of the inside of the stadium and outside of the stadium;
- Aerial view of the subject property;
- Various views of existing property;
- Two written responses received – one was for the height and concerns with the shadow impact– a shadow impact study was completed – it was undertaken on June 21 and December 21 – results indicate little impact;
- Photos of subject lands;
- Proposal has merit and is supported by staff;
- This is an opportunity to update and redevelop a significant land mark in the City;
- It will provide additional parking.

**(Ferguson/Johnson)**

That the presentation, respecting the City Initiated Application for an Amendment to City of Hamilton Zoning By-law 05-200 for Lands Located at 75 Balsam Avenue North and 160 Beechwood Avenue, Hamilton, be received.

**CARRIED**

**Speakers:**

**Jerry Kitich, 156 Connaught Avenue North**

Mr. Kitich addressed Committee and his comments included but were not limited to the following:

- His house is not affected by the sun shadow;
- His main concern is with the proposed paving of Brian Timmis Stadium;
- It is a unique facility with grass instead of turf;
- Concerned with the loss of green space and the removal of the 25 trees;
- There are not many recreational spaces in the area other than Gage Park;
- Scott Park School was built on a Park – the arena and the pool are appreciated but they are not green space

**(Ferguson/Johnson)**

That the delegation from Mr. Kitich be received

**CARRIED**

**(Ferguson/Pearson)**

That, as there are no additional members of the public who wish to speak to this Item, the public meeting be closed.

**CARRIED**

Committee approved the staff recommendation.

Chair Pasuta assumed the Chair and Vice-Chair Clark relinquished the Chair.

**(f) DISCUSSION ITEMS**

**(i) Demolition Permit – 245 Catherine Street North, Hamilton (PED11136) (Ward 2) (Item 8.4)**

Glyn Wide, Manager of Enforcement, was requested to provide an update and he indicated that he has been communicating with the owner who was invited to attend today but he did not attend. The City has been more proactive in by-law enforcement and this particular building is a concern to the community and has received media attention. He learned that the owner has obtained an application for a demolition permit today. Glyn Wide responded to questions from Committee. Lisa Pasternak, Senior Solicitor, and John Spolnik, Director of Building Services also provided input.

A copy of a letter dated August 6, 2011 from the owner, Mr. Dave Madan was submitted to Committee via e-mail. Committee briefly discussed the letter.

**(Clark/Farr)**

That the correspondence from Dave Madan be received.

**CARRIED**

The Committee debated whether to give the owner more time to rectify the matter.

**(Farr/Johnson)**

That subsection (c) be added to the recommendation as follows:

- (c) That subsections (a) and (b) become effective should the owner of 245 Catherine Street North, Hamilton not apply for and carry out a demolition permit of the commercial property, of his own volition, including the safe removal of vats containing high phosphorus rain-water within 60 days of Council's approval of this recommendation.

The amendment CARRIED on the following standing recorded vote:

Yeas: Pearson, Johnson, Ferguson, Collins, Pasuta, and Farr  
Total: 6  
Nays: Clark, Partridge, and Whitehead  
Total: 3  
Absent: 0

The Main motion as amended CARRIED.

**(ii) 249 Hess Street North, Hamilton – Site Contamination (verbal) (Item 8.5).**

Marty Hazell, Senior Director of Parking and By-Law Services, and Glyn Wide, Manager of Enforcement, addressed Committee respecting 249 Hess Street North, Hamilton – Site Contamination. Their comments included, but were not limited to the following:

- The property is owned by another company;
- The principal is the same as the Company which owns 245 Catherine Street North;
- It was purchased through non payment of taxes;
- The MOE is conducting an investigation;
- An Environment Protection Act Order has been issued;



- Chemicals are present which appear to be from a steel plating operation;
- The Enforcement Branch is conducting a separate investigation;
- Contractors have been hired to secure the property and remove the drums to a secured steel clad building on the property;
- Fees incurred to date - \$94,000 to secure drums;
- \$118,000 in tax arrears;
- Has been registered for a tax sale;
- In November it could be up for tax sale;
- Enforcement will continue to monitor the property;
- A multi-departmental team has been established to monitor the property.

**(Pearson/Ferguson)**

That the verbal presentation, provided by Marty Hazell, Senior Director of Parking and By-Law Services, and Glyn Wide, Manager of Enforcement, respecting 249 Hess Street North, Hamilton – Site Contamination, be received.

**CARRIED**

**(g) GENERAL INFORMATION (Item 11)**

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

**(Collins/Partridge)**

That the due dates of the following outstanding business list Items be amended as outlined below:

- (a) Item C(i): Planning and Development Engineering Division Operational Review (now Growth Management Division) - Project completion  
New Due Date: Spring 2012
- Item C(ii): Sub-Committee Terms of Reference  
New Due Date: September 20, 2011
- (b) Item H(ii): Grading policy / Processes for New Development  
New Due Date: September 20, 2011
- (c) Item L: Request from Environment Hamilton to add Cold Spring Creek Valley to the Ontario Green Belt  
New Due Date: December 6, 2011

**CARRIED**

**(Pearson/Collins)**

That the due dates of the following outstanding business list Items be amended as outlined below:

- (d) Item M: Dutch Mill Country Market, Millgrove Side Road  
New Due Date: October 18, 2011
- (e) Item T: Sanitary and Storm Sewer Issues in New Development in  
Stoney Creek and Glanbrook  
New Due Date: October 4, 2011

**CARRIED**

**(ii) Proactive Property Standards Pilot Project (Added Item)**

**(Collins/Whitehead)**

That staff be directed to provide an information report respecting the Proactive Property Standards Pilot Project for one of the Committee meetings in September or October for Committee's consideration as to whether to extend the pilot project.

**CARRIED**

**(iii) News from the General Manager (Item 11.2)**

Mr. McCabe provided a copy of the OMB decision respecting an appeal by Living Word Christian Fellowship from Council's refusal or neglect to enact a proposed amendment to the Regional Official Plan for the City of Hamilton to redesignate lands at 2012 Upper James Street to identify a special Policy Area in which a place of worship and accessory use are allowed within the Airport Business Park. Copies were distributed. Mr. McCabe noted the OMB decided in favour of the appellant. He indicated that this has been a learning experience and something that staff will be keeping in mind.

**(h) PRIVATE AND CONFIDENTIAL (Item 12)**

**(i) Ontario Municipal Board Hearing respecting Deanlee Management Inc./Chedoke Brow Lands (Item 12.1)**

**(Pearson/Johnson)**

That the Planning Committee move into Closed Session, at 12:30 p.m., respecting the Ontario Municipal Board Hearing regarding Deanlee Management Inc./Chedoke Brow Lands, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law, and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

**CARRIED**

**(Partridge/Ferguson)**

That the Planning Committee reconvened in Open Session at 1:36 p.m.

**CARRIED**

Staff was provided direction in Closed Session.

**(i) ADJOURNMENT (Item 13)**

**(Pearson/Partridge)**

That, there being no further business, the Planning Committee be adjourned at 4:15 p.m.

**CARRIED**

Respectfully submitted,

Councillor R. Pasuta  
Chair, Planning Committee

Ida Bedioui  
Legislative Assistant  
Office of the City Clerk  
August 8, 2011