



PLANNING COMMITTEE

REPORT 12-005

Tuesday, April 3, 2012

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

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

Absent with Regrets: Councillor R. Pasuta
Councillor B. Clark (Chair), personal business

Also Present: T. McCabe, GM, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
P. Mallard, Director, Planning
B. Janssen, Director, Strategic Services
G. Wide, Manager, Enforcement
S. Robichaud, Manager, Development Planning
V. Robicheau, Office of the City Clerk

THE PLANNING COMMITTEE PRESENTS REPORT 12-005 AND RESPECTFULLY RECOMMENDS:

1. Residential Special Event Parking Plan for the 2012 Canadian Open Golf Tournament (PED12052) (Ward 12) (Item 5.1)

- (a) That a residential Special Event Parking Plan be adopted for the 2012 Canadian Open Golf Tournament as follows:
- (i) That temporary “Special Event Permit Parking” signs be erected on residential streets within the defined boundaries, as outlined in Appendix “A” to Report PED12052, to restrict parking to permit

holders from 7:00 a.m. to 7:00 p.m. each day from Monday, July 23, 2012 to Sunday, July 29, 2012, inclusive;

- (ii) That “Special Event Parking Permits” be issued to area residents in accordance with the guidelines outlined in Appendix “B” to Report PED12052.
- (b) That the amendment to the Parking By-law 01-218, attached as Appendix “C” to Report PED12052, which has been prepared in a form satisfactory to the City Solicitor, be approved.

2. Request to Designate 39 Lakeview Drive (Stoney Creek) Under Part IV of the Ontario Heritage Act (PED12047) (Ward 10) (Item 5.2)

- (a) That Council direct staff to carry out a Cultural Heritage Assessment of 39 Lakeview Drive (Stoney Creek) to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act;
- (b) That Council include 39 Lakeview Drive (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED12047, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (c) That if 39 Lakeview Drive (Stoney Creek) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act;
- (d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff’s workplan for completion in 2017, as per the attached Appendix “F” to Report PED12047;
- (e) That Report PED12047 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council-approved inclusion of 39 Lakeview Drive (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest;
- (f) That Report PED12047 be forwarded to the owner of 39 Lakeview Drive (Stoney Creek) for information;
- (g) That Report PED12047 be forwarded to the individual who requested the designation of 39 Lakeview Drive (Stoney Creek) for information.

3. **Request to Include 9821 Chippewa Road (Glanbrook) in the Register of Property of Cultural Heritage Value or Interest Under Part IV of the Ontario Heritage Act (PED12048) (Ward 11) (Item 5.4)**
- (a) That Council include 9821 Chippewa Road (Glanbrook) in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (b) to Report PED12048; and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
 - (b) That Report PED12048 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council-approved inclusion of 9821 Chippewa Road (Glanbrook) in the Register of Property of Cultural Heritage Value or Interest;
 - (c) That Report PED12048 be forwarded to the owner of 9821 Chippewa Road (Glanbrook) for information.
4. **Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12) (Item 6.1)**
- (a) That approval be given to Amended Zoning Application ZAR-11-048, by Losani Homes, Owner, for changes in zoning from the Residential “R4” Zone to the Residential “R4-642” Zone, with a Special Exception (Block 1); from the Residential “R4-608” Zone to the “Residential “R4-643” Zone, with a Special Exception (Block 2); from the Residential Multiple “RM2-604” Zone to the Residential Multiple “RM2-644” Zone, with a Special Exception (Block 3); from the Residential Multiple “RM2-602” Zone to the Residential Multiple “RM2-645” Zone, with a Special Exception (Block 4); from the Residential “R5” Zone to the Residential “R5-646” Zone, with a Special Exception (Block 5); from the Residential “R5-601” Zone to the Residential “R5-647” Zone, with a Special Exception (Block 6); from the Residential “R4-621” Zone to the Residential “R4-648” Zone, with a Special Exception (Block 7) and “R4-649” Zone, with a Special Exception (Block 8); and from the Residential “R4” Zone to the Residential “R4-650” Zone, with a Special Exception (Block 9), for lands located at 435 Garner Road East (Ancaster), as shown on Schedule “A” of Appendix “B” to Report PED12054, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED12054, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law be added to Schedule "B", Map No. 1, of Zoning By-law No. 87-57;
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, and conform with the Places to Grow Plan, Hamilton-Wentworth Official Plan, and the Official Plan for the Town of Ancaster.
- (b) That approval be given to **Red Lined Revised Draft Plan of Subdivision Application, 25T-200725(R), by Losani Homes**, to establish a draft plan of subdivision, on lands located within Part of Lot 46, Concession 3, in the Former Geographic Township of Ancaster (435 Garner Road East), as shown on Appendix "A" to Report PED12054, subject to the following conditions:
- (i) That this approval apply to **Draft Plan of Subdivision, 25T-200725(R), prepared by Armstrong Hunter & Associates**, and certified by Wm. E. Bennett, as red lined revised, showing 152 lots for single detached dwellings (Lots 1-152), seven blocks for 42 townhouse units (Blocks 153 to 159), two blocks for future development (Blocks 171 and 173), two blocks for a total of 49 apartment units (Blocks 166 and 168), one block for a total of 94 units for mixed-use, commercial/residential (Block 169), one block for an elementary school (Block 165), one block for a neighbourhood park (Block 160), two blocks for stormwater management (Blocks 161 and 162), two blocks for open space/conservation (Blocks 163 and 164), two blocks for future road access (Blocks 167 and 170), three blocks for 0.3 metre reserves (Blocks 172, 174, and 175), the creation of 4 streets (Streets "A", "B", "C", and "D"), and the extension of 4 streets (John Fredrick Drive, Annalee Drive, Gregorio Avenue, and Bookjans Drive) attached as Appendix "D" to Report PED12054, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "E" to Report PED12054;
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City's Development Charge Reserve with respect to this development for the following items:
 - (1) That the City agrees to pay for the stormwater management facilities from an approved Capital Budget Source;
 - (2) That the 2011 Development Charge Background Study identifies a combined value for both facilities to an upset limit

of \$3,616,217.00, including lands, construction engineering, and inspection fees;

- (3) That the City agrees to pay its share of cost for the construction of surface and underground works required along the stormwater management facility frontage, which is greater than 8.0m where the additional frontage beyond 8.0m is mandated by the City. For surface works, the City share shall be based on the New Road Servicing Rate;
 - (4) That the City agrees to pay its share of cost for the construction of surface and underground works required along the park frontage (Block 160). For surface works, the City share shall be based on the New Road Servicing Rate.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan of subdivision;

With regard to lots 1 - 152 (Single-Detached Residential) a parkland dedication at a ratio of 5% will be required;

With regard to Blocks 153 - 159 (Street Townhouse), a parkland dedication at a ratio of 1 ha of the net land area for each 300 dwelling units proposed will be required;

With regard to Blocks 166 and 168 (Medium Density Residential Apartments), a parkland dedication at a ratio of 0.6ha of the net land area for each 300 dwelling units proposed will be required;

With regard to Block 169 (Mixed-Use), a parkland dedication at a combined rate of 2% of the land to be developed for commercial purposes, and depending on the number of residential units proposed, a required parkland dedication, at a ratio of 1 ha of the net land area for each 300 dwelling units proposed, will be required if the residential density is between 20 and 75 units per hectare, or at a ratio of 0.6 ha of the net land area for each 300 dwelling units proposed if the residential density is greater than 120 units per hectare;

The total net Cash-in-Lieu payment will be calculated based on the gross Cash-in-Lieu payment, minus a credit for the dedication of Block 160 (park block), as shown on the Final Plan of Subdivision (see Appendix "D" to Report PED12054).

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

- (c) That a Construction Traffic Management Plan be prepared to the satisfaction of the Senior Director of Development Planning in consultation with the Ward Councillor.

5. Farm Consolidation and Surplus Farm Dwelling Review and Analysis (PED12069) (City Wide) (Item 8.1)

That Report PED12069, Farm Consolidation and Surplus Farm Dwelling Review and Analysis, be received.

6. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11)

That Council agrees to the following actions, as detailed in Report PED12008, respecting the appeal of the City of Hamilton Committee of Adjustment Consent/Land Severance Application GL/B-11:96 by Dave L. Mitchell, 1308 Guyatt Road, former Township of Glanbrook, as shown on Appendix "A" to Report PED12008, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application GL/B-11:96;
- (b) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing to support the appeal.

FOR THE INFORMATION OF COUNCIL:

(a) CEREMONIAL ACTIVITIES

T. Sergi, Senior Director of Growth Management, introduced a new staff person.

(b) CHANGES TO THE AGENDA

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

DELEGATION REQUESTS

- 4.1 Delegation Request from John Ariens, respecting Report PED12069, Farm Consolidation and Surplus Farm Dwelling Review and Analysis (City Wide)

DISCUSSION ITEMS

- 8.1 PED12069, Farm Consolidation and Surplus Farm Dwelling Review and Analysis (City Wide)
- 8.2 Correspondence from Tony Elenis, CEO Ontario Restaurant Hotel & Motel Association, respecting the Food Truck pilot Program report scheduled to come forward June, 2012.

The Agenda for the April 3, 2012 meeting of the Planning Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST

None.

(d) APPROVAL OF MINUTES**(i) March 20, 2012**

Councillor Partridge amended the minutes on page 1 by adding the words “– absent for city business” after the words “Councillor J. Partridge” in the attendance column.

The Minutes of the March 20, 2012 Planning Committee meeting were approved, as amended.

(e) DELEGATION REQUESTS

- (i) Delegation Request from John Ariens, respecting Report PED12069, Farm Consolidation and Surplus Farm Dwelling Review and Analysis (City Wide) (Item 4.1)**

The delegation request submitted by John Ariens, Report PED12069, Farm Consolidation and Surplus Farm Dwelling Review and Analysis (City Wide), was approved.

(f) CONSENT ITEMS

- (i) Request to Designate 39 Lakeview Drive (Stoney Creek) Under Part IV of the Ontario Heritage Act (PED12047) (Ward 10) (Item 5.2)**

The motion CARRIED on the following vote:

Yea:	Farr, Collins, Partridge, Ferguson, Johnson, Pearson
Total:	6
Nay:	Whitehead
Total:	1
Absent:	Pasuta, Clark
Total:	2

For disposition on this Item, refer to item 2.

- (ii) Request to Designate 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) Under Part IV of the Ontario Heritage Act (PED12039) (Ward 2) (Item 5.3)**

Report PED12039, Request to Designate 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) Under Part IV of the Ontario Heritage Act, was tabled for further consultation with the Ward Councillor.

(g) PUBLIC HEARINGS AND DELEGATIONS

- (i) Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12) (Item 6.1)**

In accordance with the provision of the Planning Act, Vice-Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Daniel Barnett, Planning Technician, provided a brief overview of the Report to the Committee with the aid of a PowerPoint Presentation. A copy of the PowerPoint Presentation has been included in the public record.

The staff presentation respecting Report PED12054, Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster), was received.

Steven Armstrong, the agent for the applicant, provided a brief overview of the Report to the Committee with the aid of a PowerPoint Presentation. A copy of the PowerPoint Presentation has been included in the public record.

The agent's presentation respecting Report PED12054, Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster), was received.

Public Speakers

- 1) Bruce Johnson – 457 John Frederick Dr., Hamilton, ON L9G 2R3

Mr. Johnson expressed concerns over traffic control, site access, dust and wind control, aesthetics and water pressure.

- 2) Steve Fletcher – 502 John Frederick Dr., Hamilton, ON L9G 3P1

Mr. Fletcher expressed concerns over traffic control and access to the site.

The public presentations respecting Report PED12054, Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster), were received.

The public meeting respecting Report PED12054, Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster), was closed.

The recommendations contained in Report Report PED12054, Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster), were amended by including a new recommendation (c) to read as follows:

“(c) That a Construction Traffic Management Plan be prepared to the satisfaction of the Senior Director of Development Planning in consultation with the Ward Councillor.”

For disposition on this Item, refer to item 4.

(h) DISCUSSION ITEMS

- (i) Farm Consolidation and Surplus Farm Dwelling Review and Analysis (PED12069) (City Wide) (Item 8.1)**

Mark Dorfman, Outside Planning Consultant, presented a brief overview of the Report.

The consultant’s presentation respecting Report PED12069, Farm Consolidation and Surplus Farm Dwelling Review and Analysis, was received.

John Ariens, IBI Group, provided an overview of the concerns related to 1308 Guyatt Road severance as it relates to this report.

The John Ariens' presentation respecting Report PED12069, Farm Consolidation and Surplus Farm Dwelling Review and Analysis, was received.

(ii) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11)

Report PED12008, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook), was lifted from the table.

The motion to lift from the table CARRIED on the following vote:

Yea: Farr, Collins, Partridge, Johnson, Pearson
Total: 5
Nay: Whitehead, Ferguson
Total: 2
Absent: Pasuta, Clark
Total: 2

The main motion CARRIED on the following vote:

Yea: Farr, Collins, Partridge, Johnson, Pearson
Total: 5
Nay: Whitehead, Ferguson
Total: 2
Absent: Pasuta, Clark
Total: 2

(iii) Correspondence from Tony Elenis, CEO Ontario Restaurant Hotel & Motel Association, respecting the Food Truck pilot Program report scheduled to come forward June, 2012 (Item 8.2)

The correspondence from Tony Elenis, CEO Ontario Restaurant Hotel & Motel Association, respecting the Food Truck pilot Program report scheduled to come forward June, 2012, was referred to staff for their consideration for the report due back in June 2012.

The report on the Food Truck review will be provided to the public one week prior to the Planning Committee meeting.

(i) MOTIONS

(i) Charitable Donations Boxes

Whereas the enforcement staff conducted a proactive enforcement blitz of donation boxes across the City in 2011, to determine if existing by-laws combined with proactive enforcement could control the proliferation of donation boxes throughout the City and the problems associated with illegal dumping around them;

And whereas temporary compliance was achieved in most cases, but additional staff resources would be required to ensure continual compliance with City By-laws;

And whereas other Cities are exploring Licensing/Permit systems to control the proliferation of donation boxes and to ensure that they are associated with registered charitable organizations;

Therefore be it resolved that Staff was directed to conduct a detailed and comprehensive investigation into the feasibility of creating a licensing/permit system for charitable donation boxes, and report back to the Planning Committee at the earliest convenience.

(ii) 38 Strachan Street West/ 344 Bay Street North

The motion respecting, 38 Strachan Street West/ 344 Bay Street North, was tabled to the April 17, 2012 Planning Committee meeting.

(j) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments (Item 11.1)

The following items were amended to include the New Due Dates:

- (a) Item N: B-Line Nodes and Corridors Land Use Planning Study and Mid-Rise Development
Current Due Date: April 3, 2012
New Due Date: April 17, 2012

- (b) Item U: Liquor Licence Application Review Update
Current Due Date: April 3, 2012
New Due Date: April 17, 2012

(k) PRIVATE AND CONFIDENTIAL

(i) Closed Session Minutes – March 20, 2012 (Item 12.1)

The Closed Session Minutes of the March 20, 2012, meeting of the Planning Committee were approved, as presented, and are to remain confidential and restricted from public disclosure.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 12:55 p.m.

Respectfully submitted,

Councillor J. Farr
Vice-Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
April 3, 2012