



PLANNING COMMITTEE

MINUTES 12-017

9:30 am

Tuesday, November 6, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Clark (Chair), 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

Also Present: Councillor B. McHattie

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Dundas Official Plan and Zoning By-law for Lands Located at 231 York Road (Dundas) (PED12198) (Ward 13) (Item 5.1)**

(Pearson/Partridge)

That the Information Report PED12198, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Dundas Official Plan and Zoning By-law for Lands Located at 231 York Road (Dundas), be received.

CARRIED

2. Ministry of Natural Resources Bear Wise Program (PED12210) (City Wide) (Item 5.2)

(Pearson/Partridge)

That the Information Report PED12210, Ministry of Natural Resources Bear Wise Program, be received.

CARRIED

3. Proof of Certificates of Approval as a Condition of New/Renewed Business Licences (PED12211) (City Wide) (Item 5.3)

(Pearson/Farr)

(a) That Schedule 22 (Salvage and Second-Hand Goods, Pawnbroker, and Jewellery and Precious Metals Businesses) of the Licensing By-Law 07-170 be amended to require salvage business operators to provide proof that they have all applicable approvals from the Ministry of the Environment (MOE) before a licence is issued or renewed;

(b) That the amending by-law respecting the licensing and regulating of Salvage and Second-Hand Goods, Pawnbroker, and Jewellery and Precious Metals Businesses, attached to Report PED12211, which has been prepared in a form satisfactory to the City Solicitor, be approved.

CARRIED

4. Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton) (PED12196) (Ward 1) (Item 6.3)

(Ferguson/Whitehead)

That approval be given to Amended Zoning Application ZAR-09-043, by Mike Valvasori (in Trust), Owner, for changes in zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "E-2-'H'/S-1660" (Multiple Dwellings - Holding) District, Modified, with a Special Exception (Block 2), the "RT-30-'H'/S-1660" (Street Townhouse - Holding) District, Modified, with a Special Exception (Block 1), and the "G-3 - 'H'/S-1660" (Public Parking Lots - Holding) District (Block 3), to permit 3 street townhouse units, a 4-storey, 36 unit apartment building, and a commercial parking lot, on lands municipally known as 2 and 4 Blanshard Street and 0 Poulette Street, located within Part of Lot 18, Concession 3, Former Township of Barton, now in the City of Hamilton, as shown on Appendix "A" to Report PED12196, on the following basis:

(a) That the draft By-law, attached as Appendix "B" to Report PED12196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1660, and that the subject lands on Zoning District Maps W-13 and W-14 be notated as S-1660;
- (c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for the City of Hamilton;
- (d) That upon finalization of the implementing By-law, the Kirkendall North Neighbourhood Plan be amended to change the designation affecting the subject lands from “Commercial” and “Single and Double” to “Townhouses” (Block 1) and “Low Density Apartments” (Block 2).

CARRIED

5. Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 546-548 Fifty Road and 32-36 Kingspoint Circle (Stoney Creek) (PED12200) (Ward 11) (Item 6.5)

(Johnson/Pearson)

That approval be given to Zoning Amendment Application ZAC-12-019, by Marfive Holdings, c/o Mario and Maria Marchionda, (Owner), for changes in zoning from the Neighbourhood Development “ND” Zone and Rural Residential “RR” Zone to the Single Residential “R3-36” Zone, with a Special Exception, in order to facilitate the creation of 2 single detached residential lots fronting onto Kingspoint Circle, and to retain 2 single detached residential lots fronting onto Fifty Road, as approved by Committee of Adjustment Severance Applications SC/B-12:34 to SC/B-12:36, inclusive, on the lands known municipally as 546-548 Fifty Road and 32-36 Kingspoint Circle (Stoney Creek), as shown on Appendix “A” to Report PED12200, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED12200, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Map 4 of Schedule “A” of Zoning By-law No. 3692-92;
- (c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and City of Stoney Creek Official Plan.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

PUBLIC HEARING AND DELEGATIONS

6.3 Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton) (PED12196) (Ward 1)

(i) Correspondence from Peter Watson

(Pearson/Collins)

That the Agenda for the November 6, 2012 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) **October 16, 2012**

(Pearson/Partridge)

That the Minutes of the October 16, 2012 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) **Delegation Request from Ken Kelly respecting a driveway adjustment (Item 4.1)**

(Pearson/Partridge)

That the delegation request from Ken Kelly, respecting a driveway adjustment, be approved for a future meeting.

CARRIED

- (ii) **Delegation Request from Charlie Bois respecting placing the City of Hamilton on the list at the Ministry of Natural Resources to allow Sunday gun hunting in Hamilton (Item 4.2)**

(Partridge/Pearson)

That the delegation request from Charlie Bois, respecting placing the City of Hamilton on the list at the Ministry of Natural Resources to allow Sunday gun hunting in Hamilton, be approved for a future meeting.

CARRIED

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

- (i) **Delegation from Lawrence Pearce respecting the by-law against parking large recreational vehicles in front property (Item 6.1)**

Mr. Pearce provided an overview of his concerns with the aid of speaking notes. A copy of the speaking notes has been included in the official record.

(Whitehead/Pearson)

That the presentation from Lawrence Pearce respecting the by-law against parking large recreational vehicles in front property, be received.

CARRIED

(Johnson/Whitehead)

That staff report back with an amending by-law to the Stoney Creek by-law to limit parking of recreational vehicles on properties in residential areas.

CARRIED

- (ii) **Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182) (Ward 11) (Item 6.2)**

In accordance with the provision of the Planning Act, Chair B. Clark 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 amendments to the Official Plan, Zoning By-law and Draft Plan of Subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal

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

Joe Muto, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Ferguson)

That the staff presentation respecting Report PED12182, Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as "Binbrook Heights Addition", on Lands Located at 139 Fall Fair Way (Glanbrook), be received.

CARRIED

Public Speakers:

1. Darlean Patterson – 10-26 Pumpkin Pass, Hamilton, ON L0R 1C0

Ms. Patterson expressed concerns with over development in the area.

2. Brad McIntosh – 10-26 Pumpkin Pass, Hamilton, ON L0R 1C0

Mr. McIntosh expressed concerns with over development in the area.

(Pearson/Partridge)

That the public presentations respecting Report PED12182, Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as "Binbrook Heights Addition", on Lands Located at 139 Fall Fair Way (Glanbrook), be received.

CARRIED

(Pearson/Partridge)

That the public meeting respecting Report PED12182, Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as "Binbrook Heights Addition", on Lands Located at 139 Fall Fair Way (Glanbrook), be closed.

CARRIED

Steve Fraser, agent, provided clarity to concerns respecting over-development.

(Partridge/Pearson)

That the agent's presentation respecting Report PED12182, Applications for Amendments to the Township of Glanbrook Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as "Binbrook Heights Addition", on Lands Located at 139 Fall Fair Way (Glanbrook), be received.

CARRIED

(Whitehead/Pearson)

That the following motion be deferred to the next Planning Committee meeting pending the results of the interm report regarding the flooding in Binbrook Village and pending confirmation and corrective action from the Manager of Growth and Management respecting adequate sewer capacity in the development to handle additional flow:

- (a) That approval be given to **Official Plan Amendment Application OPA-11-016, by John Bruce Robinson Construction Limited, Owner**, for Official Plan Amendment No. [REDACTED], for a change in designation for a portion of land on Schedule "B" of the Township of Glanbrook Official Plan from "Low Density Residential" and "Corner Retail" to "Medium Density Residential", for the lands located within proposed Draft Plan of Subdivision "Binbrook Heights Addition", at 139 Fall Fair Way (Glanbrook), as shown on Appendix "A" to Report PED12182, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12182, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
- (b) That Urban Hamilton Official Plan Amendment No. [REDACTED], to amend Map B.5.1-1 - Binbrook Village Secondary Plan Land Use Plan from "Local Commercial" to "Low Density Residential 2h", attached as Appendix "C" to Report PED12182, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, Planning and Economic Development Department staff be directed and authorized to hold a Public

Meeting pursuant to the provisions of the Planning Act to consider the proposed Urban Hamilton Official Plan Amendment, for lands located within the proposed Draft Plan of Subdivision “Binbrook Heights Addition”, 139 Fall Fair Way (Glanbrook).

- (c) That approval be given to **Zoning Application ZAC-11-065, by John Bruce Robinson Construction Limited, Owner**, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Restricted Agricultural “A2” Zone to the Residential “R4-276” Zone, Modified, with a Special Exception (Block 1); the Residential Multiple “RM2-277” Zone, Modified, with a Special Exception (Block 2); the Residential “R4-222” Zone, Modified, with a Special Exception (Block 3); and the Residential Multiple “RM2-161” Zone, Modified, with a Special Exception (Block 4); and from the Residential “R4-222” Zone, Modified, to the Residential Multiple “RM2-277” Zone, Modified, with a Special Exception (Block 5), to permit 113 lots for single detached dwellings, 32 lots for street townhouse dwellings, and 9 blocks for future residential to be developed in conjunction with adjacent lands, as shown on Schedule “A” to Appendix “D” of Report PED12182, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED12182, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the Glanbrook Official Plan upon finalization of Official Plan Amendment No. ██████.
- (d) That approval be given to **Draft Plan of Subdivision Application 25T-201109, by John Bruce Robinson Construction Limited, Owner**, to establish a draft plan of subdivision, known as “Binbrook Heights Addition”, on lands at 139 Fall Fair Way, in the former Township of Glanbrook, as shown on Appendix “E” to Report PED12182, subject to the following conditions:
- (i) That this approval apply to “Binbrook Heights Addition”, 25T-201109, prepared by A.J. Clarke & Associates Ltd., and certified by B.J. Clarke, O.L.S., dated April 2, 2012, showing 113 lots for single detached dwellings (Lots 1-113), 32 lots for street townhouse dwellings (Lots 114-145), 9 blocks for future residential (6 single detached dwellings, 15 street townhouse dwellings, and approximately 12 townhouse units on a common elements road) to be developed in conjunction

with adjacent lands (Blocks 146-154), 1 block for a public walkway (Block 155) and 2 streets (Festival Way and Fairgrounds Drive), attached as Appendix "E" to Report PED12182, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix "F" to Report PED12182.

- (ii) Acknowledgement that there will be no City share for any municipal works associated with this development.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Lots 114 to 145 and Blocks 146, 147, and 154, for which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said block.

With regard to Lots 1-113 and Blocks 148-153 (Single Detached Residential), a parkland dedication at a ratio of 5% shall be required.

With regard to Lots 114-145 and Blocks 146, 147, and 154 (Street Townhouses), a parkland dedication at a ratio of 1 ha per 300 dwellings units shall be required.

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

CARRIED

(iii) Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton) (PED12196) (Ward 1) (Item 6.3)

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 amendments to 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.

Chris Bell, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Johnson/Partridge)

That the staff presentation respecting Report PED12196, Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton), be received.

CARRIED

Public Speakers:

1. D. and E. Rousseaux – 83 Poulette St., Hamilton, ON L8P 4E3

Mr. and Mrs. Rousseaux expressed concerns with traffic flow.

2. Richard Holmes – 87 Poulette St., Hamilton, ON L8P 4E4

Mr. Holmes expressed concerns with changes to the laneway.

3. Margaret Flood – 81 Poulette St., Hamilton, ON L8P 4E5

Ms. Flood expressed concerns with traffic flow.

(Ferguson/Johnson)

That the public presentations and communications respecting Report PED12196, Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton), be received.

CARRIED

(Ferguson/Pearson)

That the public meeting respecting Report PED12196, Application for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton), be closed.

CARRIED

Sergio Manchia, planner, provided an overview of the development with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Ferguson/Whitehead)

That the agent's presentation respecting Report PED12196, Application

for a Change in Zoning for 2 and 4 Blanshard Street and 0 Poulette Street (Hamilton), be received.

CARRIED

For disposition on this Item, refer to item 4.

- (iv) Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster) (PED12199) (Ward 12) (Item 6.4)**

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 draft plan of condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

(Whitehead/Pearson)

That the public meeting respecting, Report PED12199, Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster), be closed.

CARRIED

(Whitehead/Pearson)

That the staff presentation respecting, Report PED12199, Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster), be waived.

CARRIED

(Ferguson/Johnson)

That Report PED12199, Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster), be referred back to staff for further consultation with the Ward Councillor.

CARRIED

- (v) **Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 546-548 Fifty Road and 32-36 Kingspoint Circle (Stoney Creek) (PED12200) (Ward 11) (Item 6.5)**

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 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, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

(Pearson/Johnson)

That the public meeting respecting, Report PED12200, Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 546-548 Fifty Road and 32-36 Kingspoint Circle (Stoney Creek), be closed.

CARRIED

(Johnson/Pearson)

That the staff presentation respecting, Report PED12199, Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster), be waived.

CARRIED

For disposition on this Item, refer to item 5.

(f) MOTIONS (Item 9)

- (i) **Enforcing Blocked Swales (Item 10.1)**

(Ferguson/Pearson)

That staff investigate and report back on the feasibility of adding swales to the Storm Water provisions of the Property Standards By-law 10-221.

(ii) Pan Am Stadium (Item 10.2)

(Ferguson/Whitehead)

That staff report back at the December 4, 2012 meeting of the Planning Committee with:

- (aa) Confirmation that the stadium complies with the urban design policy;
- (bb) Zoning variations that may be required;
- (cc) Schematics detailing the look of the stadium.

(g) NOTICES OF MOTION (Item 10)

Councillor Ferguson introduced the following Notice of Motion:

(i) Enforcing Blocked Swales (Item 10.1)

That staff investigate and report back on the feasibility of adding swales to the Storm Water provisions of the Property Standards By-law 10-221.

(Farr/Pearson)

That the rules be waived in order to allow for the motion respecting Enforcing Blocked Swales to be heard as a motion at today's meeting.

CARRIED

Councillor Ferguson introduced the following Notice of Motion:

(ii) Pan Am Stadium (Item 10.2)

That staff report back at the December 4, 2012 meeting of the Planning Committee with:

- (aa) Confirmation that the stadium complies with the urban design policy;
- (bb) Zoning variations that may be required;
- (cc) Schematics detailing the look of the stadium.

(Ferguson/Whitehead)

That the rules be waived in order to allow for the motion respecting Enforcing Blocked Swales to be heard as a motion at today's meeting.

CARRIED

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

(i) Outstanding Business List Amendments (Item 11.1)

(Pearson/Ferguson)

That the following items be removed from the Outstanding Business List:

(aa) Item P: Bear Wise Program

CARRIED

(ii) News from the General Manager (Item 11.2)

The General Manager provided updates of current events and initiatives within the department.

(i) ADJOURNMENT

(Pearson/Collins)

There being no further business, the Planning Committee adjourned at 1:45 p.m.

CARRIED

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk