



PLANNING COMMITTEE

REPORT 13-005

9:30 am

Tuesday, April 2, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor R. Pasuta – Vacation

THE PLANNING COMMITTEE PRESENTS REPORT 13-005 AND RESPECTFULLY RECOMMENDS:

1. **Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(a)) (City Wide) (Item 6.2)**
 - (a) That amendments to Site Alteration By-law No. 03-126, as amended by By-law No. 05-115, and further amended by By-law No. 11-262, as set out in Report PED12184(a), be approved and that the draft amending By-law, attached as Appendix "A" to Report PED12184(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted;
 - (b) That staff be directed to continue to monitor the effectiveness of the Site Alteration By-law and submit as part of the 2014 Capital Budget process monies for a comprehensive review and update of the Site Alteration By-law.

2. Zoning By-law Amendment for Lands Located at 249, 251, and 255 Parkside Drive and 60 Truedell Circle (Flamborough) (PED13057) (Ward 15) (Item 6.3)

That Zoning By-law Amendment Application ZAC-12-049, 2278083 Ontario Limited, Owner, for changes in zoning from the Urban Residential (Single Detached) “R1-6” Zone, Modified, with a Special Exception (Block 1, Schedule “A” of Appendix “B”), and the Urban Residential (Single Detached) “R1-34” Zone, Modified, with a Special Exception (Block 2, Schedule “A” of Appendix “B”), to the Urban Residential (Single Detached) “R1-59” Zone, Modified, with a Special Exception; from the Urban Residential (Single Detached) “R1-6” Zone, Modified, with a Special Exception (Block 3, Schedule “A” of Appendix “B”), to the Urban Residential (Single Detached) “R1-60” Zone, Modified, with a Special Exception; and from the Urban Residential (Single Detached) “R1-34” Zone, Modified, with a Special Exception (Block 4, Schedule “A” of Appendix “B”), to the Urban Residential (Semi-Detached and Link) “R4” Zone, to permit infill residential development consisting of 3 single family dwelling lots, and to consolidate the remaining lands for existing residential uses, on lands known as 249, 251, and 255 Parkside Drive and 60 Truedell Circle, in the former Town of Flamborough, as shown on Appendix “A” to Report PED13057, be Approved on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13057, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan; and,
- (c) That the proposal conforms to the Hamilton-Wentworth and the Town of Flamborough Official Plans.

3. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 303 Highway No. 8 (Stoney Creek) (PED13060) (Ward 10) (Item 6.4)

- (a) That approval be given to Official Plan Amendment Application OPA-12-018, by Dobra Properties Inc., Owner, for Amendment No. [REDACTED], for a change in designation on Schedule “A” of the Stoney Creek Official Plan from “Residential” to “General Commercial”, and for a change in designation on Schedule “A1” from “Medium Density Residential” to “General Commercial”, in order to permit the conversion of a portion of the existing building for commercial uses, on the lands located at 303 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED13060, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13060, 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 approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to amend Schedule E-1 - Urban Land Use Designations from “Neighbourhoods” to “Mixed-Use - Medium Density”; to amend Map B.7.1-1 - Western Development Area Secondary Plan from “Low Density Residential 3c” to “Mixed-Use - Medium Density”; and to denote Site-Specific Policy Area [REDACTED] on Map B.7.1-1 with the appropriate text to permit the conversion of a portion of the existing building for commercial uses and to permit parking between the existing building and the street, attached as Appendix “C” to Report PED13060; to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 303 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED13060;
- (c) That approval be given to **Zoning Application ZAC-12-047, by Dobra Properties Inc., Owner**, for a change in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Multiple Residential “RM3-18” Zone to the General Commercial “GC-55” Zone, with a Special Exception, in order to permit a portion of the existing building to be converted for commercial uses, for the lands located at 303 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED13060, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED13060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (d) That upon finalization of the implementing By-law, the subject lands within the Poplar Park Neighbourhood Plan be re-designated from “Medium Density Residential” to “General Commercial”.

4. Binbrook Sanitary and Stormwater Systems Performance (PED12182(a)/PW13016) (Ward 11) (dependent on approval of PED12182) (Item 7.1)

That AMEC be retained to continue additional studies in Binbrook and Upper Stoney Creek to establish the relationship between the storm run-off and the municipal storm and sanitary conveyance systems and hydraulic analyses of the minor system and major overland flow systems with associated works to be charged to Capital Budget Account No. 5180855850.

5. Municipal Law Enforcement (MLE) Contractor Services Administration Staff Resource Report (PED13056) (City Wide) (Item 8.1)

(a) That an additional one FTE, at 100% cost recovery, for corrective measures in the administration and oversight of the use of private contractors as a long standing enforcement practice, be approved, subject to the approval of recommendation (b) outlined below;

(b) That the following revised administration fees be approved and added to the User Fees and Charges By-law to fund the one FTE at 100% cost recovery:

(i) \$85 Administration Fee for invoices less than or equal to \$600 (before tax);

(ii) \$190 Administration Fee for invoices greater than \$600 (before tax);

(iii) \$30 Administration Fee for requests for file review.

6. Citizens Committee Report on Farmers' Market White Paper – Referral to the General Issues Committee (Item 9.1)

(a) That the Item E on the Planning Committee Outstanding Business List respecting, Citizens Committee Report on Farmers' Market White Paper, be referred to the General Issues Committee Outstanding Business List as this item relates to Economic Development;

(b) That the Planning Committee Outstanding Business List be amended by removing Item E, Citizens Committee Report on Farmers' Market White Paper.

- 7. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as "Foothills of Winona - Phase 2" for Lands Located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek) LS13008 (Item 12.2)**
- (a) That Report LS13008, remain confidential;
 - (b) That Council support the Official Plan Amendment application OPA-11-005, Zoning By-law amendment application ZAC-11-042 and Draft Plan of Subdivision application 25T-201107 by 1800615 Ontario Inc. contingent upon the red-line revised Draft Plan, special Draft Plan of Subdivision conditions, and revised Official Plan and Zoning By-law Amendments attached to Appendix A, of Report LS13008;
 - (c) That the memorandum attached as Appendix A and attachments thereto in Report LS13008, and any additional recommendations made by Planning Committee, be made public following approval of this report by Council;
 - (d) That Legal staff be authorized to forthwith commence without prejudice discussions with counsel for 1800615 Ontario Inc. on the basis of the memorandum attached as Appendix A in preparation for the pending Ontario Municipal Board hearing in this matter, and that if required witness statements be provided forthwith by staff accordingly;
 - (e) That Planning and Legal staff be authorized to make such editorial, technical and minor modifications to the draft plan, draft plan of subdivision conditions and text of the draft official plan and zoning by-law amendments as contained in Appendix A in the event of further information being presented in preparation for or during the upcoming Ontario Municipal Board proceedings where staff are of a view that such modifications are appropriate.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

- 4.1 Delegation Request from Don Mclean respecting item 7.1, Binbrook Sanitary and Stormwater Systems Performance, on today's agenda**

The Agenda for the April 2, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) April 2, 2013

The Minutes of the April 2, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Don Mclean respecting item 7.1, Binbrook Sanitary and Stormwater Systems Performance, on today's agenda

The delegation request from Don Mclean respecting item 7.1, Binbrook Sanitary and Stormwater Systems Performance, on today's agenda, was approved.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Barbara Beaver, respecting licensing fee increases for Body Rub Parlors (Item 6.1)

The delegation from Barbara Beaver, respecting licensing fee increases for Body Rub Parlors, was received.

(ii) Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(a)) (City Wide) (Item 6.2)

Jason Thompson, Senior Project Manager, provided a brief overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting PED12184(a), Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262, was received.

Public Speakers:

1. Victor Veri - 971 Highway 6 N, Flamborough, ON L8N 2Z7

Mr. Veri expressed concerns with development and fill.

2. Don McLean – 68-151 Gateshead Cres., Stoney Creek, ON L8G 3W1

Mr. McLean expressed concerns with procedure.

The public presentation respecting PED12184(a), Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262, was received.

The public meeting respecting PED12184(a), Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262, was closed.

The recommendations contained in Report PED12184(a), Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262, were amended to include a new sub-section (d), as follows:

- (d) Staff were further directed to report back with a flow chart showing the enforcement process starting with initial contact for complaints through to changes or other remedies and that the report include any necessary amendments to the Site Alteration by-law.

Legal staff confirmed that the amendment will not affect the by-law going into effect once approved by Council at the next meeting.

- (e) Staff were further directed to report back with a historical analysis of enforcement on grading complaints, orders issued, stop work orders or charges and any other related information from the period between January 2011 and December 2012;
- (f) Staff were further directed to report back on the number of complaints on mud tracking in new subdivisions over the last two years; the amount of time it took to bring the developer into compliance; the number of repeated times on any one site after compliance was met; and how many charges were laid.

For disposition on this Item, refer to item 1.

(iii) Zoning By-law Amendment for Lands Located at 249, 251, and 255 Parkside Drive and 60 Truedell Circle (Flamborough) (PED13057) (Ward 15) (Item 6.3)

In accordance with the provision of the Planning Act, 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.

No speakers came forward.

The public meeting respecting Report PED13057, respecting Zoning By-law Amendment for Lands Located at 249, 251, and 255 Parkside Drive and 60 Truedell Circle, was closed.

Delia McPhail, 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.

The staff presentation respecting Report PED13057, respecting Zoning By-law Amendment for Lands Located at 249, 251, and 255 Parkside Drive and 60 Truedell Circle, was received.

For disposition on this Item, refer to item 2.

(iv) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 303 Highway No. 8 (Stoney Creek) (PED13060) (Ward 10) (Item 6.4)

In accordance with the provision of the Planning Act, 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 official plan and zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Greg Macdonald, 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.

The staff presentation respecting Report PED13060, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 303 Highway No. 8 (Stoney Creek), was received.

Public Speaker:

1. Don McLean – 68-151 Gateshead Cres., Stoney Creek, ON L8G 3W1

Mr. McLean expressed concerns with this development not being in compliance with provincial policies and with the official plans.

The public presentation respecting Report PED13060, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 303 Highway No. 8 (Stoney Creek), was received.

The public meeting respecting Report PED13060, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 303 Highway No. 8 (Stoney Creek), was closed.

For disposition on this Item, refer to item 3.

(f) PRESENTATIONS (Item 7)

(i) Binbrook Sanitary and Stormwater Systems Performance (PED12182(a)/PW13016) (Ward 11) (dependent on approval of PED12182) (Item 7.1)

Sally Yong-Lee, Acting Manager, Infrastructure Planning, and Udo Ehrenberg, Manager, Infrastructure and Source Water Planning, 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.

The staff presentation respecting Report PED12182(a)/PW13016, Binbrook Sanitary and Stormwater Systems Performance, was received.

Public Speaker:

1. Don McLean – 68-151 Gateshead Cres., Stoney Creek, ON L8G 3W1

Mr. McLean expressed concerns with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The public presentation respecting Report PED12182(a)/PW13016, Binbrook Sanitary and Stormwater Systems Performance, was received.

Report PED12182(a)/PW13016 was referred back to staff to consult with Councillors and to develop a cohesive City Wide program respecting sanitary and stormwater systems.

The motion respecting Report PED12182(a)/PW13016, Binbrook Sanitary and Stormwater Systems Performance, was reconsidered and amended by adding a new sub-section (b), to read as follows:

- (a) That report PED12182(a)/PW13016 be referred back to staff to consult with Councillors and to develop a cohesive City Wide program respecting sanitary and stormwater systems;
- (b) That AMEC be retained to continue additional studies in Binbrook and Upper Stoney Creek to establish the relationship between the storm run-off and the municipal storm and sanitary conveyance systems and hydraulic analyses of the minor system and major overland flow systems with associated works to be charged to Capital Budget Account No. 5180855850.

For disposition on this Item, refer to item 4.

- (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) (referred on November 6, 2012) (Item 7.2)**

Report PED12182(a)/PW13016 was referred back to staff for a report back to the Planning Committee following completion of the hydrologic and hydraulic analysis of the storm conveyance systems

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

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

- (aa) Item J: Municipal Services and Property Taxation on Condo Properties
 - Current Due Date: April 2, 2013
 - Proposed Due Date: May 14, 2013
- (bb) Item T: Pan Am Stadium (PED12218)
 - Current Due Date: April 2, 2013
 - Proposed Due Date: May 14, 2013

The following items were removed from the Outstanding Business List:

- (aa) Item G: Request the province to Establish a process to govern the quality of Fill Imported to a Receiving Site

(bb) Item CC: Municipal Law Enforcement (MLE) Contractor Services Administration Staff Resource Report (PED13056)

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

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

(iii) By-law Advertising (Item 11.3)

Councillor Pearson requested that the City Clerk prepare a report back on the provision of public notice and the City advertisements in the news papers.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – March 19, 2013 (Item 12.1)

- (a) The closed session minutes from March 19, 2013, were approved;
- (b) The closed session minutes from March 19, 2013, are to remain confidential

At 12:23 p.m., Committee moved into Closed Session to consider item 12.2 which is subject to Section 239.2 (e) and (f) of the Municipal Act and Section 8.1(e) and (f) of the Procedural Bylaw as the subject matter of this item pertains to:

- litigation or potential litigation, including matters before administrative tribunals affecting the City, and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 1:59 p.m.

- (ii) **Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as "Foothills of Winona - Phase 2" for Lands Located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek) LS13008 (Item 12.2)**

The motion CARRIED on the following vote:

Yeas: T. Whitehead, M. Pearson, L. Ferguson, C. Collins, J. Farr

Total: 5

Nays: B. Johnson, B. Clark, J. Partridge

Total: 3

Absent: R. Pasuta

Total: 1

For disposition on this Item, refer to item 7.

(i) **ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 5:04 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk