



## **PLANNING COMMITTEE**

### **REPORT 13-007**

**9:30 am**

**Tuesday, April 30, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

---

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

**Absent with Regrets:** Councillor L. Ferguson - vacation

---

### **THE PLANNING COMMITTEE PRESENTS REPORT 13-007 AND RESPECTFULLY RECOMMENDS:**

**1. Expansion of Automatic Vehicle Location (AVL) Devices to Parking Operations and Maintenance Vehicles (PED13083) (City Wide) (Item 5.1)**

That the procurement of Automatic Vehicle Location (AVL) devices (through Corporate Contract VOR-1021) for use in Parking Operations and Maintenance vehicles be funded from the Parking Reserve Account No.108021 in an amount not to exceed \$20,000.

**2. Hamilton Municipal Heritage Committee – Minutes 13-003 (Item 5.2)**

That the Hamilton Municipal Heritage Committee Minutes 13-003, be received.

3. **Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek) (PED13073) (Ward 11) (Item 6.2)**
- (a) That approval be given to **Official Plan Amendment Application OPA-12-019, by the Hamilton Wentworth Catholic District School Board, Owner**, for Amendment No. [REDACTED] to the Stoney Creek Official Plan, to amend Schedule "A" General Land Use Plan to re-designate lands from "Special Policy Area 'F' - Parcel 'A'" to "Institutional", for the lands located at 1361 Barton Street, (Stoney Creek), as shown on Appendix "A" to Report PED13073, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED13073, be adopted by Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Hamilton-Wentworth Official Plan.
- (b) That approval be given to **Zoning Application ZAC-12-050, by the Hamilton Wentworth Catholic District School Board, Owner**, for the addition of lands to Zoning By-law No. 05-200 to the Neighbourhood Institutional (I1, H51) Holding Zone, as shown on Schedule "A" to Report PED13073, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED13073, 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 "A", Map No. 1312, of Zoning By-law No. 05-200;
- (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (c) That the Ward Councillor meet with the Winona Peach Festival and Hamilton-Wentworth Catholic District School Board to discuss reciprocal use of parking lots;
- (d) That the Ward Councillor meet with Hamilton-Wentworth Catholic District School Board to discuss use of space for recreational programming;

- (e) That a copy of this resolution be forwarded to the Hamilton-Wentworth Catholic District School Board.

**4. Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) (Item 6.3)**

- (a) That approval be given to Amended Zoning Application ZAC-12-005, by Sonoma Homes, Owners, for a change in zoning from the “AA” (Agricultural) District to the “RT-30/S-1667” (Street Townhouse) District, Modified, with a Special Exception, to permit the development of up to 18 townhouses fronting onto a public road (Block 1), and up to 121 townhouses fronting onto an internal private condominium road as parcels of tied land (Block 2), on lands located at 1155 West 5th Street (Hamilton), as shown on Appendix “A” to Report PED13080, on the following basis:
  - (i) That the draft By-law, attached as Appendix “C” to Report PED13080, 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 “A”, Map No. W9d, of Zoning By-law No. 6593;
  - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth and City of Hamilton Official Plans;
  - (iv) That upon finalization of the implementing By-law, the Mewburn Neighbourhood Plan be amended to revise the road pattern, as shown on Appendices “B” and “D”, and change the designation of the westerly portion of the subject lands from “Single and Double Residential” to “Attached Housing”.
- (b) That approval be given to Draft Plan of Subdivision Application 25T-201202, by Sonoma Homes, Owners, to establish a draft plan of subdivision, on lands located at 1155 West 5th Street (Hamilton), as shown on Appendix “D” to Report PED13080, subject to the following conditions, all in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council:
  - (i) That this approval apply to 25T-201202, prepared by Wellings Planning Consultants Inc., and certified by Bryan Jacobs, O.L.S., Revision 5, dated March 15, 2013, as red-line revised, showing 1 group townhouse block (Block 1), 3 blocks for a temporary stormwater management pond/future street townhouse blocks (Blocks 2, 3, 5), 1 block for a temporary stormwater management

- pond/future public road (Block 4), a public road (Street "A"), 1 block for road widenings along West 5th Street (Block 6), and a 0.3m reserve block along the frontage of Blocks 2 and 3, attached as Appendix "D" to Report PED13080, 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 PED13080;
- (ii) That Condition 16 in Appendix "E" to Report PED13080, be amended by deleting the words, "temporary turning circle";
  - (iii) That Appendix "D" to Report PED13080 be amended to remove the reference to a temporary turning circle block from the Proposed Revised Plan of Subdivision;
  - (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 Cash-in-lieu payment will be calculated at a rate of 1 hectare for each 300 dwelling units proposed, to 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;
  - (iv) Acknowledgement that there will be no City share for any municipal works associated with this development;
- (c) That approval be given to Condominium Application 25CDM-201201, by Sonoma Homes, Owners, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, parking, and amenity area for a 121 unit townhouse development, on a portion of the lands located at 1155 West 5th Street (Block 2 on Appendix "A"), in the former City of Hamilton, as shown on Appendix "F" to Report PED13080, subject to the following conditions:
- (i) That this approval applies to the plan prepared by Wellings Planning Consultants Inc., and certified by Bryan Jacobs, O.L.S., dated March 15, 2013, as red-lined revised, showing the condominium road, parking, and amenity area, attached as Appendix "F" to Report PED13080;
  - (ii) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 6593;
  - (iii) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;

- (iv) That the owner receives final approval of a Part Lot Control Application, and the implementing By-law, to the satisfaction of the Director of Planning;
- (v) That the owner includes the following warning clauses in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

“Purchasers are advised that owners of lots located at the end of dead-end lanes may not receive curb-side collection of waste, but will instead be required to place their waste at the nearest intersection on waste collection days.”

- (vi) That the owner includes the following clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“The garages provided are intended for use as parking by owners. Owners/occupants are responsible for ensuring that parking provided for their lot will meet their needs. There is no opportunity for on-street overflow parking on West 5th, and visitor parking is intended strictly for visitors”.

- (vii) That the owner agrees to register a common element drainage easement, to the satisfaction of the Senior Director of Growth Management Division;
- (viii) That the owner provides the Director of Development Engineering with evidence that satisfactory arrangements, financial or otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication 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;
- (ix) That the owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

**5. Enforcement of Blocked Swales (PED13084) (City Wide) (Item 8.2)**

- (a) That in accordance with the February 13, 2013 City Council directive to undertake a two year pilot program to enforce the Property Standards By-law to restore swales where there is an easily identifiable obstruction:
  - (i) That the Terms of Reference for the pilot program, as detailed in Appendix “A”, attached hereto, be approved;
  - (ii) That one temporary Drainage Enforcement Officer (1 FTE), estimated at \$95,000 annually, and one vehicle and equipment, with a one time \$40,000 Capital cost, be funded from the Parking Reserve (Account No. 108021);
  - (iii) That any proceeds from associated fees and charges be directed back to the Parking Reserve (Account No. 108021) to offset the cost;
  - (iv) That the Property Standards By-law No. 10-221 be amended to facilitate enforcement of blocked swales where there is an easily identifiable obstruction, and that the draft by-law, attached as Appendix “B” to Report PED13084, prepared in a form satisfactory to the City Solicitor, be enacted;
- (b) That a temporary student (1/3 FTE), estimated at \$14,000 annually, be funded from the Development Fee Stabilization Reserve (Account No. 110086) to assist in scanning paper copies of previously approved grading plans.

**6. Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, 267 Parkside Drive (Flamborough) (Ward 15) (PED13043) (Item 8.3)**

- (a) That Amended Official Plan Amendment Application OPA-12-006, by Branthaven Rosart Development Corporation, Owner, for Official Plan Amendment No. [REDACTED], to the former Town of Flamborough Official Plan, to amend the Waterdown North Secondary Plan to include and designate the subject lands “Medium Density Residential 1”, and to add Site-Specific Area No. [REDACTED] to limit the maximum density to 55 units per net residential hectare, for the development of 44 townhouse dwelling units, on lands located at 257, 261, 263, and 267 Parkside Drive, as shown on Appendix “A” to Report PED13043, be approved on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13043, be adopted by Council.

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Growth Plan and Hamilton-Wentworth Official Plan.
- (b) That **Urban Hamilton Official Plan Amendment No. by Branthaven Rosart Development Corporation, Owners**, to permit the lands located at 257, 261, 263, and 267 Parkside Drive to be adopted into the Waterdown North Secondary Plan, designated Medium Density Residential 3, and identified as a Area Specific Policy - Area [REDACTED], to permit 44 townhouse dwelling units with a maximum density of 55 units per net residential hectare, as shown on Appendix “C” to Report PED13043, 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 when the relevant sections of the Urban Hamilton Official Plan come into force and effect, that 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.
- (c) That **Amended Zoning Application ZAC-12-15, by Branthaven Rosart Development Corporation, Owner**, for a change in zoning from the Urban Residential “R1-6” Zone to the Medium Density Residential “R6-26-H” Zone, with a Special Exception and Holding provision, to permit the development of 44 townhouse dwelling units, on lands located at 257, 261, 263, and 267 Parkside Drive, as shown on Appendix “A” to Report PED13043, be approved on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED13043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
  - (ii) That the amending By-law be added to Schedule “A” of Zoning By-law No. 90-145-Z.
  - (iii) That the proposed change in Zoning conforms to the Hamilton-Wentworth Official Plan.
  - (iv) That the proposed change in Zoning will be in conformity with the Town of Flamborough Official Plan upon approval of Official Plan Amendment No. [REDACTED].
  - (v) That Recommendation (c) of Report PED 13043 be amended to permit a maximum of 44 townhouse dwelling units with the following additional modifications:

- (aa) No vehicular access from the subject lands to Truedell Circle and Centre Road shall be permitted; and
  - (bb) To establish a site specific parking requirement of 2 parking spaces per unit plus 0.4 visitor parking spaces (18 spaces for the proposed 44 units) be provided and maintained.
- (d) That staff be directed to ensure that the site plan provides:
- (i) A private pedestrian connection from the subject lands to the future extension of Truedell Circle;
  - (ii) That the applicant enter into an external works agreement with the City of Hamilton to provide for the design and installation, at the applicant's cost, for the provision of a median island and signage within the Parkside Road allowance to prevent left turn movements to and from the site from the easterly right-in/right-out driveway as shown on the concept plan. The median island is to be installed prior to occupancy;
  - (iii) That the access driveway be located at the westerly limits of the subject lands to align centerline-to-centreline with the existing driveway on the lands to the south.
- (e) That staff be directed and authorized to amend the implementing Official Plan Amendments and Zoning By-laws, as attached as Appendices "B", "C" and "D" to Report PED 13043, for presentation to City Council;
- (f) That pursuant to Section 34(17) of the Planning Act, the proposed changes to the by-law do not require that any further notice be given because the changes are a result of the comments received during the consideration of this matter by the City of Hamilton.

## 7. Off-Site Standing Committee Meetings

That the Governance Review Sub-Committee investigate and report back to the General Issues Committee with a template/policy that seeks to address requests to host Standing Committee meetings at locations other than Hamilton City Hall.



**8. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Gino and Olindo DalBello and Legal Direction (LS13011) (City Wide) (Item 12.2)**

That the recommendations contained in Report LS13011, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Gino and Olindo DalBello and Legal Direction, be approved and remain confidential until Council approval.

**9. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Norman Vartanian (LS13012) (City Wide) (Item 12.3)**

That the recommendations contained in Report LS13012, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Norman Vartanian, be approved and remain confidential until Council approval.

**10. Ancaster Wilson Street Secondary Plan (OPA 143) Proposed Settlement of the Appeal of Family Practice (Dixie) Ltd. (Dr. Allen Greenspoon) (LS13016) (Ward 12 - Ancaster) (Item 12.4)**

That the recommendations contained in Report LS13016, Ancaster Wilson Street Secondary Plan (OPA 143) Proposed Settlement of the Appeal of Family Practice (Dixie) Ltd. (Dr. Allen Greenspoon), be approved and remain confidential until Council approval.

**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 John Ariens respecting Item 8.1, Proposed Niagara Escarpment Plan Amendment (PED11052(a)), on today's agenda.
- 4.2 Delegation request from David Tang respecting Item 6.3, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080), on today's agenda.

**2. DISCUSSION ITEMS**

- 8.3 Motion – Revised recommendations for Report PED13043, Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, 267 Parkside Drive.

Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, 267 Parkside Drive (Flamborough) (Ward 15) (PED13043) (*Tabled from the March 19, 2013 Planning Committee Meeting*)

The Agenda for the April 30, 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 16, 2013**

The Minutes of the April 16, 2013 Planning Committee meeting were approved.

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

- (i) Delegation request from John Ariens respecting Item 8.1, Proposed Niagara Escarpment Plan Amendment (PED11052(a)), on today's agenda (Item 4.1)**

The delegation request from John Ariens respecting Item 8.1, Proposed Niagara Escarpment Plan Amendment (PED11052(a)), for today's agenda, was approved.

- (ii) **Delegation request from David Tang respecting Item 6.3, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080), on today's agenda (Item 4.2)**

The delegation request from David Tang respecting Item 6.3, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080), for today's agenda, was approved.

**(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**

- (i) **Delegation from Kim Houtmeyers respecting regulations for ornamental ponds (Item 6.1)**

Ms. Houtmeyers provided an overview of her presentation with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation from Kim Houtmeyers respecting regulations for ornamental ponds, was received.

- (a) Staff were directed to provide a report on the City of Hamilton's current rural and urban by-laws for the regulation of ornamental ponds;
- (b) Staff are to provide a definition of ornamental ponds;
- (c) Staff are to provide a review of other municipalities by-laws and provincial legislation with respect to regulation of ornamental ponds;
- (d) Staff are to review and provide recommendations based on the concerns provided in Kim Houtmeyers' presentation.

- (ii) **Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek) (PED13073) (Ward 11) (Item 6.2)**

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 amendment 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.

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.

The staff presentation respecting Report PED13073, Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek), was received.

James Webb, planning consultant, provided an overview of the report and agreed with the recommendations from staff and confirmed that the owner is communicating with the Winona Peach Festival representatives to avoid and conflict during the festival.

The agent's presentation respecting Report PED13073, Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek), was received.

**Public Speaker:**

1. Georgina Beattie – PO Box 10002, Winona, ON L8P 5R1

Ms. Beattie expressed concerns with the possibility of the school becoming a secondary school, rather than elementary and what the process would be, that parking on site should be extended for parents, the number of buses, and that the traffic study include Fifty Road. Also that the owner, Ward Councillor and the Winona Peach Festival organizers all work cooperatively.

The public presentations respecting Report PED13073, Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek), were received.

The public meeting respecting Report PED13073, Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton

Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek), was closed.

The recommendations contained in PED13073, Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek), were amended by adding new sub-sections (c), (d) and (e), to read as follows:

- (c) That the Ward Councillor meet with the Winona Peach Festival and Hamilton-Wentworth Catholic District School Board to discuss reciprocal use of parking lots;
- (d) That the Ward Councillor meet with Hamilton-Wentworth Catholic District School Board to discuss use of space for recreational programming;
- (e) That a copy of this resolution be forwarded to the Hamilton-Wentworth Catholic District School Board.
- (f) Staff were directed to have formal discussions with CN regarding any/all improvements including a grade separation at the Fifty Road Crossing;
- (g) Staff are to report back on the timeline of the improvements on Fifty Road including the Barton Street intersection to accommodate current and future developments.

For disposition on this Item, refer to item 3.

**(iii) Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) (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, draft plan of subdivision and 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.

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.

The staff presentation respecting Report PED13080, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton), was received.

**Public Speaker:**

1. David Tang – 1 First Canadian Place, 100 King St. W., Suite 1600, Toronto, ON M5X 1G5

Mr. Tang expressed concerns as outlined in the item of correspondence presented at this meeting. A copy of the correspondence has been included in the public record.

2. Steven Zakem – Brookfield Place, 181 Bay St., Suite 1800, Box 754, Toronto, ON M5J 2T9

Mr. Zakem expressed concerns as outlined in the item of correspondence presented at this meeting. A copy of the correspondence has been included in the public record.

The public presentations respecting Report PED13080, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton), was received.

Glenn Wellings, agent, expressed agreement with the recommendations, but did have concern with the temporary turning circle.

The agent's presentation respecting Report PED13080, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton), was received.

The correspondence respecting Report PED13080, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton), was received.

The public meeting respecting Report PED13080, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan

of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton), was closed.

The recommendations contained in Report PED13080, Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton), were amended by deleting the words, “a temporary turning circle block,” in recommendation (b)(i), and by adding new sub-sections (b)(ii) and (b)(iii) and renumbering the remaining, to read as follows:

“(b)(ii) That Appendix “E” to Report PED13080, be amended by deleting Condition 16 respecting turnarounds;

(b)(iii) That Appendix “D” be amended to remove the reference to a temporary turning circle block;”

For disposition on this Item, refer to item 4.

**(f) DISCUSSION ITEMS (Item 8)**

**(i) Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands (PED11052(a)) (Ward 13) (Item 8.1)**

John Ariens, provided an overview of his client’s concerns with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The public presentation respecting PED11052(a), Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands, was received.

Report PED11052(a), Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands, was tabled to the May 14, 2013 Planning Committee meeting to allow for ongoing consultation.

**(ii) Enforcement of Blocked Swales (PED13084) (City Wide) (Item 8.2)**

(v) That staff be directed to report back to the Planning Committee prior to the conclusion of the pilot program, detailing key performance measures including:

- (1) Success rates in dealing with complaints about blocked swales and achieving compliance where there are easily identifiable obstructions;
- (2) Number of complaints received about blocked swales which were deemed to be of a more complex nature (i.e. no easily identifiable obstruction);
- (3) Cost recovery from enforcement fines and through Court actions;
- (4) Number of complaints driven by neighbor disputes such that mediation was appropriate;

**(iii) Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, 267 Parkside Drive (Flamborough) (Ward 15) (PED13043) (Item 8.3)**

Report PED13043, Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, 267 Parkside Drive (Flamborough) (Ward 15), was lifted from the table.

Recommendations contained in Report PED13043 were amended, as follows:

- “(1) That Recommendations (a) and (b) of Report PED13043 be amended to limit the maximum density permitted in the proposed Official Plan Amendments to 55 units per net residential hectare to allow for the development of 4445 townhouse dwelling units.
- (2) That Recommendation (c) of Report PED 13043 be amended to permit a maximum of 44 townhouse dwelling units with the following additional modifications:
  - a. No vehicular access from the subject lands to Truedell Circle and Centre Road shall be permitted; and
  - b. To establish a site specific parking requirement of 2 parking spaces per unit plus 0.4 visitor parking spaces (18 spaces for the proposed 44 units) be provided and maintained.
- (3) That new subsections (d), (e) and (f) be added, to read as follows:
  - “(d) That staff be directed to ensure that the site plan provides:



- (i) A private pedestrian connection from the subject lands to the future extension of Truedell Circle;
  - (ii) That the applicant enter into an external works agreement with the City of Hamilton to provide for the design and installation, at the applicant's cost, for the provision of a median island and signage within the Parkside Road allowance to prevent left turn movements to and from the site from the easterly right-in/right-out driveway as shown on the concept plan. The median island is to be installed prior to occupancy;
  - (iii) That the access driveway be located at the westerly limits of the subject lands to align centerline-to-centreline with the existing driveway on the lands to the south.
- (e) That staff be directed and authorized to amend the implementing Official Plan Amendments and Zoning By-laws, as attached as Appendices "B", "C" and "D" to Report PED 13043, for presentation to City Council;
  - (f) That pursuant to Section 34(17) of the Planning Act, the proposed changes to the by-law do not require that any further notice be given because the changes are a result of the comments received during the consideration of this matter by the City of Hamilton."

For disposition on this Item, refer to item 6.

**(g) MOTIONS (Item 9)**

**(i) Stoney Creek Urban Boundary Expansion (SCUBE) Public Meeting**

Whereas the Stoney Creek Urban Boundary Expansion (SCUBE) is a very large secondary planning process that will increase the population of the area by an estimated 17,000 residents,

And Whereas this secondary planning process was started before amalgamation by the former City of Stoney Creek.

And Whereas a very large number of residents of Stoney Creek and Winona have expressed a concern to attend the public meetings and also be included in the process,

And Whereas a precedent has been set to hold public meetings in the Community if large numbers of residents are expected to attend.

Therefore be it Resolved:

That, as the local Councillor, I request that the Planning Committee hold a special public meeting at the Stoney Creek Municipal Building, 777 Hw #8, Stoney Creek, to accommodate the discussion and public hearing for the Stoney Creek Urban Boundary Expansion report.

The motion was DEFEATED on the following vote:

Yeas: M. Pearson, B. Johnson, C. Collins  
Total: 3  
Nays: J. Partridge T. Whitehead, J. Farr, R. Pasuta  
Total: 4  
Absent: B. Clark, L. Ferguson  
Total: 2

**(ii) Off-Site Standing Committee Meetings**

That the Governance Review Sub-Committee investigate and report back to the General Issues Committee with a template/policy that seeks to address requests to host Standing Committee meetings at locations other than Hamilton City Hall.

For disposition on this Item, refer to item 7.

**(h) NOTICES OF MOTION (Item 10)**

Councillor Johnson introduced the following Notice of Motion:

**(i) Stoney Creek Urban Boundary Expansion (SCUBE) Public Meeting**

Whereas the Stoney Creek Urban Boundary Expansion (SCUBE) is a very large secondary planning process that will increase the population of the area by an estimated 17,000 residents,

And Whereas this secondary planning process was started before amalgamation by the former City of Stoney Creek.

And Whereas a very large number of residents of Stoney Creek and Winona have expressed a concern to attend the public meetings and also be included in the process,

And Whereas a precedent has been set to hold public meetings in the Community if large numbers of residents are expected to attend.

Therefore be it Resolved:

That, as the local Councillor, I request that the Planning Committee hold a special public meeting at the Stoney Creek Municipal Building, 777 Hw #8, Stoney Creek, to accommodate the discussion and public hearing for the Stoney Creek Urban Boundary Expansion report.

The rules were waived to allow for a motion respecting Stoney Creek Urban Boundary Expansion (SCUBE) Public Meeting.

For disposition on this Item, refer to item (g).

Councillor Farr introduced the following Notice of Motion:

**(ii) Discarded Cigarette Butts around Hamilton Hospitals**

That staff from Public Works be requested to report back to committee on the maintenance methods our hospitals undertake in addressing the issue of discarded cigarette butts on the perimeter of their property(s) including city side-walks and roads.

**(i) 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 C: Pleasantview, Dundas, divesting of four properties (PED11052)  
Current Due Date: April 30, 2013  
Proposed Due Date: November 19, 2013
- (bb) Item S: Regulation of Rental Housing  
Current Due Date: May 14, 2013

Proposed Due Date: June 4, 2013

- (cc) Item F: Racing Pigeons  
Current Due Date: April 30, 2013  
Proposed Due Date: June 4, 2013
- (dd) Item G: By-law 05-200, to Modify General Commercial “C3-116” and “C3-117” Zone and add Site Specific General Commercial “C3-275” Zone to the Glanbrook Zoning By-law No. 464  
Current Due Date: April 30, 2013  
Proposed Due Date: July 9, 2013
- (ee) Item U: Parking on One-Way Streets  
Current Due Date: April 30, 2013  
Proposed Due Date: June 4, 2013

The following items were removed from the Outstanding Business List:

- (aa) Item W: Enforcement of Blocked Swales
- (bb) Item Z: Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15) (PED13043)

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

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

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

**(i) Closed Session Minutes – April 16, 2013 (Item 12.1)**

The Closed Session Minutes of April 16, 2013 were approved as presented and remain confidential.

At 12:54 p.m., Committee move into Closed Session to consider item 12.2, 12.3 and 12.4 which are 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 1:26 p.m.

**(ii) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Gino and Olindo DalBello and Legal Direction (LS13011) (City Wide) (Item 12.2)**

For disposition on this Item, refer to item 8.

**(iii) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Norman Vartanian (LS13012) (City Wide) (Item 12.3)**

For disposition on this Item, refer to item 9.

**(iv) Ancaster Wilson Street Secondary Plan (OPA 143) Proposed Settlement of the Appeal of Family Practice (Dixie) Ltd. (Dr. Allen Greenspoon) (LS13016) (Ward 12 - Ancaster) (Item 12.4)**

For disposition on this Item, refer to item 10.

**(k) ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 2:45 p.m.

Respectfully submitted,

Councillor J. Farr  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk

## **TERMS OF REFERENCE**

**For a pilot program of enforcing the Property Standards By-law 10-221 to restore swales where there is an easily identifiable obstruction that prevents draining:**

### **1.0 Background:**

City Council, on February 13, 2013 approved a two year pilot program, to commence in the Spring of 2013, to enforce the Property Standards By-law to restore swales where there is an easily identifiable obstruction that prevents draining as per the originally approved grading plans.

### **2.0 Objectives:**

To assess the effectiveness of enforcement and resources required in responding to complaints about obstructed swales where there is an easily identifiable obstruction that prevents draining as per the originally approved grading plans.

### **3.0 Implementation Timetable:**

To commence in the Spring of 2013 and end in the Spring of 2015.

### **4.0 Scope of Work:**

Reporting to the Superintendent of Municipal Law Enforcement, the Drainage Enforcement Officer will investigate and enforce, on a reactive basis only, complaints of standing water resulting from obstructed swales.

### **5.0 General Enforcement Practice:**

The following is intended to provide a general overview of enforcement practices related to the enforcement of blocked swales where there is an easily identifiable obstruction, and is in no way intended to eliminate any discretion on the part of an investigating Officer or to dictate enforcement process where other remedies might be prudent or necessary:

- complaint received by Municipal Law Enforcement; logged and assigned to Drainage Enforcement Officer case load;
- preliminary investigation undertaken by Drainage Enforcement Officer to determine if complaint is related to a property:
  - o in a development with approved grading plan, or;

- is not in a subdivision that is under construction (if this is the case, grading issues will be referred to the Growth Management Division);
- Drainage Enforcement Officer visits site to determine type of infraction and either:
  - commences enforcement by issuing an Order to remove a simple obstruction to restore functionality to a swale, or;
  - refers the complaint to the Residential Drainage Assistance Program (RDAP) (i.e. where no grading plan exists and drainage patterns are disrupted by settlement, tree growth or, more commonly, by fences, sheds, pools, gardens, retaining walls etc.), or;
  - offers mediation to the affected parties;
- Homeowner must comply within allotted time to restore to previously approved condition or to retain a professional engineer to recommend alternative solutions and then to implement such a solution;
- Homeowner required to submit revised plans for approval plus review fee to Growth Management Division (GM);
- Growth Management Division will approve or deny alternative and notify homeowner of decision;
- Work is completed within the allotted time or, should the homeowner fail to comply, the City may:
  - undertake the work and place costs on the property tax roll;
  - issue a Provincial Offense Notice (PON) or Part I charge or Part III summons, or;
  - register the order on title;
- File closed (compliance is achieved).

## **6.0 Reporting and Evaluation:**

Staff will report to the Planning Committee with an interim assessment of the pilot program after one year, and with a final report before the conclusion of the pilot program. The reports will include information about and an evaluation of the pilot program including:

- success rates in dealing with complaints about blocked swales and achieving compliance where there are easily identifiable obstructions;
- number of complaints received about blocked swales which were deemed to be of a more complex nature (i.e. no easily identifiable obstruction);
- cost recovery from fines and other charges;
- number of complaints driven by neighbour disputes such that mediation was appropriate;
- the following enforcement effectiveness measures:
  - o rate of compliance with the Property Standards By-law (i.e. obstruction removed) upon notice to property owner/occupant (i.e. no by-law charges);
  - o rate of compliance with the Property Standards By-law (i.e. obstruction removed) through by-law charges and/or using City contractors to do the work;
  - o number and disposition of appeals to the Property Standards Committee;
- assessment of the extent to which the pilot program is meeting the need for which it was intended and recommendations for continuing to respond to complaints about obstructed swales where there is an easily identifiable obstruction that prevents draining as per the originally approved grading plans.

## **7.0 Financing:**

All costs associated with the pilot are to be funded from the Parking Reserve (Account No. 108021), with any proceeds from associated fees and charges being directed back to the Parking Reserve (Account No. 108021) to offset the actual gross cost.