



Planning Committee
REPORT 11-010
Tuesday, May 17, 2011
9:30 am
Council Chambers
City Hall, 71 Main Street West,
Hamilton, Ontario

Present: Mayor Bratina
Chair: Councillor Pasuta
Vice Chair: Councillor J. Farr
Councillors: C. Collins, L. Ferguson, B. Johnson,
J. Partridge, M. Pearson, T. Whitehead

Absent: Councillor B. Clark - illness

Also Present: T. McCabe, General Manager – Planning and Economic
Development
P. Mallard, M. Hazell, S. Robichaud, T. Lee, J. Spolnik,
B. Janssen, M. Blevins, D. Barnett, P. De Iulio, H. Milsome,
S. Stula, M. House, S. O'Dwyer, J. Hickey-Evans, T. Sergi,
V. Ormond - Planning and Economic Development
J. Wice, L. Pasternak, M. Minkowski - Legal
A. Rawlings – City Clerk's Office

**THE PLANNING COMMITTEE PRESENTS REPORT 11-010 AND RESPECTFULLY
RECOMMENDS:**

- 1. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application DN/A-11:08, Sisters of St. Joseph (Owner), 154 and 574 Northcliffe Avenue (Dundas) (PED11080) (Ward 13) (Item 5.1)**

That Council directs appropriate Legal Services and Planning staff to attend any future Ontario Municipal Board Hearing with respect to the Committee of Adjustment's decision to approve Application DN-A-11:08 on the basis of the following agreed to settlement;

- (a) To permit a dormitory and accessory uses only for 36 students in conjunction with a commercial school (Columbia International School) within the existing Building "B" (as shown on the attached plan) which is occupied by a religious organization (Sisters of St. Joseph Convent); and,
- (b) To permit a maximum of 3 classrooms until December 31, 2011, in conjunction with a commercial school (Columbia International College) within the existing Building "B" (as shown on the attached plan) which is occupied by a religious organization (Sisters of St. Joseph Convent)"; and,
- (c) That the City take no position on the third party appeal of the matter; and
- (d) That Report PED11080 be received.

2. Application for Ministry of Environment Certificate of Approval for a Waste Disposal Site, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED11087) (Ward 10) (Item 5.2)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving **Application MOE-CA-11-001, Mida RPM, a Division of Mida International Inc., Applicant**, for a Certificate of Approval for a Waste Disposal Site, MOE Reference #7216-8CZLEL, to permit a waste processing facility on the lands located at 565 Arvin Avenue (Stoney Creek), as shown on Appendix "A" to Report PED11087, that the City of Hamilton requests:

- (a) That, if approved, the Certificate of Approval includes the following requirements:
 - (i) That prior to receiving any waste materials on site, the applicant obtains Site Plan approval from the City's Planning Division, to the satisfaction of the Manager, Development Planning.
 - (ii) That the Certificate of Approval limit the daily processing of waste to a maximum annual average of 100 tonnes per day, a maximum of 25,000 tonnes per year, and a maximum storage of 890 tonnes of waste at any one time.
 - (iii) That an inventory of waste types stored on site should be updated daily, and be provided to the Ministry of Environment.
 - (iv) That the waste streams accepted at this facility be limited to non-hazardous municipal solid waste comprised of waste electronic and electrical equipment (WEEE) collected under the Ontario Electronic Stewardship (OES) Program, as well as scrap metal from residential, and industrial, commercial, and institutional (IC&I) sources.

- (v) That the proponent be aware that Arvin Avenue is a Reduced Load Roadway from March 1 to April 30, where full loading of standard trucks is not permitted.
- (vi) That a waste screening and testing program be developed and implemented to deal with unanticipated received materials.
- (vii) That any fugitive hazardous waste quantities (i.e. batteries, leaded glass, ink, mercury switches, etc.) be identified and stored accordingly, and be sent to an approved recycler.
- (viii) That an effective odour/dust/noise mitigation control plan for day-to-day activities be implemented.
- (ix) That excellent on site housekeeping practices be implemented for overall general maintenance, including litter and vermin control.
- (x) That the proponent shall comply with the Fire Safety Inspection Report and Fire Marshals Inspection Order dated February 24, 2011.
- (xi) That the spills prevention and containment measures plan include measures to deal with douse water or fire water in the event of a fire.
- (xii) That the proponent shall implement on site spills prevention and containment measures included in the Certificate of Approval. That the Contingency Plans for spills on and off site, and clean-up procedures, are covered under the Certificate of Approval, and that the City's Spill Reporting Line (905) 540-5188 and the Ministry of the Environment Spills Action Centre (800) 268-6060 be included in the company's Contingency Plan. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton. That the spill prevention and contingency plan be submitted, to the satisfaction of the Ministry of the Environment.
- (xiii) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable MSDS sheets, be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year.
- (xiv) That waste accepted be limited to waste generated only from within North America.

- (xv) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.
- (xvi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.
- (b) That a copy of Report PED11087 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
- (c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

3. Amendments to the Requests to Designate Properties Under Part IV of the Ontario Heritage Act: Priorities and the Register of Property of Cultural Heritage Value or Interest (PED11098) (Wards 2, 8, and 11) (Item 5.3)

- (a) That 9300 Airport Road (Mount Hope) (RCAFA 447 Wing) be removed from the Council-approved “Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities”, as per the attached Appendix “B” to Report PED11098.
- (b) That 9300 Airport Road (Mount Hope) (RCAFA 447 Wing) be removed from 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 that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.
- (c) That 1 Balfour Drive (Hamilton) (Chedoke House) be removed from the Council-approved “Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities”, as per the attached Appendix “B” to Report PED11098.
- (d) That Report PED11098 be forwarded to the Hamilton Municipal Heritage Committee for information.

4. Zoning Verification Certificate Fee Review (PED11107) (City Wide) (Item 5.4)

That Report PED11107, respecting the Zoning Verification Certificate Fee Review, be received.

5. Licensing Requirements for Festivals/Special Events (PED10205(a)) (City Wide) (Item 5.5)

That Report PED10205(a), Licensing Requirements for Festivals/Special Events (PED10205(a)) (City Wide) be received for information.

6. Application to Amend Flamborough Zoning By-law 90-145-Z for the Property Located at 23 Orchard Drive (Flamborough) (PED11084) (Ward 15) (Item 6.3)

That approval be given to **Zoning Application ZAR-10-049, by Vitalina De Oliveira Aggus, Owner**, for a change in zoning from the Urban Residential "R1-6" Zone, Modified, to the Urban Residential "R1-56" Zone, Modified, with a Special Exception (Block 1), and the Urban Residential "R1-57" Zone, Modified, with a Special Exception (Block 2), to permit single-detached dwellings on the lands located at 23 Orchard Drive (Flamborough), as shown on Appendix "A" to Report PED11084, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11084, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on May 17, 2011, to permit a one-storey dwelling to have a maximum lot coverage of 45%, be enacted by City Council.
- (b) That the amending By-law be added to Section 6 of Zoning By-law No. 90-145-Z as "R1-56" and "R1-57".
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan.

7. Creating an Adult Film Theatre Licence Category (PED08261(a))(City Wide) Outstanding Business List Item (Item 6.4)

- (a) That an Adult Film Theatre licence category be created and that the Licensing By-law be amended to:
 - (i) define an Adult Film Theatre as a premises for which a Class B Exhibitor licence has been issued under the Film Classification Act, 2005 or its regulations,
 - (ii) permit a maximum of two Adult Film Theatre licences to be issued, City-wide,
 - (iii) limit the location of Adult Film Theatres as set out in the maps approved by City Council, April 13, 2011, identifying permitted areas for Adult Services Entertainment Establishments; and
 - (iv) require a minimum number of 50 seats per exhibition room;

- (b) That a \$2,900.00 annual fee be established for an Adult Film Theatre licence and added to the 2011 User Fee and Charges By-law;
- (c) That the amending By-law attached as Appendix 'A' to Report PED08261(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted; and,
- (d) That staff be directed to monitor on an on-going basis, changes in legislation which would require the location of Adult Film Theatre facilities in areas further away from commercial and residential areas.

8. Addition of Lands to the Niagara Escarpment Plan - Cootes Paradise Link - Additional City Comments (PED10228a) (Ward 13) (Item 8.1)

That City Council withdraws their objections to Niagara Escarpment Plan Amendment No. 176-Cootes Paradise provided the following conditions are met:

- (a) Niagara Escarpment Plan Amendment No. 176 is modified:
 - 1. to designate Olympic park and Hydro building as Escarpment Rural instead of Escarpment Protection, as shown on the attached map marked as "Appendix "A";
 - 2. to remove the Public lands designation overlay for Olympic Park; and,
 - 3. to add the following notwithstanding clause to the permitted use section of the Escarpment Rural designation for Olympic Park:

"Notwithstanding the permitted uses of this section (Escarpment Rural), the lands within Olympic Park owned by the City of Hamilton, may be used for recreational activities such as sports fields, a community centre, an arena, or similar indoor sports facility and any expansions of these facilities, and facilities accessory or incidental to these uses and, including servicing, parking lots and related signage in Part of Lot 20, Concession 1, City of Hamilton (in the former Town of Dundas)."
- (b) The Olympic Park lands be excluded from NEC's Development Control regulation.
- (c) That City staff review the Escarpment Rural designation at the time of the 2015 the Niagara Escarpment Plan review to determine their appropriateness for inclusion of the Olympic Park and Hydro One sites within the Urban designation of the Niagara Escarpment Plan.

9. Sharing of Parking Revenue - Locke Street Merchants Association (PED06003(b)) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15) (Item 8.2)

That the revenue sharing of Hamilton Municipal Parking System's net annual operating surplus, as approved by City Council on September 29, 2010, not be extended to the Locke Street Merchants Association.

10. Methadone Clinics (PED11096)(City Wide) (Outstanding Business List Item) (Item 8.3)

- a) That staff continue to address any nuisance/behavioural issues associated with methadone clinics through the use of existing municipal by-laws;
- b) That all staff who become aware of any new methadone clinics be directed to notify the Ward Councillor immediately, to allow for community discussions about the proposal and its operation.

11. Waiving of Planning Fees respecting 70 Innovation Drive, Flamborough

That the planning fees for an Official Plan Amendment and a Zoning By-law Amendment respecting the subject property be waived to permit the existing recreational use at 70 Innovation Drive.

12. Demolition Permit - 219 King Street West (Dundas) (PED11045) (Ward 13)

That Report PED11045, request for Demolition permit, 219 King Street West, Dundas, be received, as the applicant has withdrawn the subject application

13. Request to Designate 491 King Street West, Hamilton, Under Part IV of the Ontario Heritage Act (PED09242) (Ward 1)

That Report PED09242, respecting Request for heritage designation for property at 491 King Street West, Hamilton, be received, and that no further action be taken, as the owner no longer wishes to pursue this matter

FOR THE INFORMATION OF COUNCIL:

Council – May 25, 2011

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- error in the Agenda, Item 6.1 is Royal Winter Drive, Item 6.2 is Fall Fair Way
- four further delegation requests, copies have been distributed today. These will become Items 4.2, 4.3, 4.4, 4.5
- added item respecting Glanbrook Animal Control, will become Item 11.2.

Mayor Bratina and Committee recognized Alexandra Rawlings on her retirement from the City of Hamilton. Tim McCabe thanked the Clerk for all of her work with the Planning Department.

On a Motion the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the May 3, 2011 Planning Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Mike Pettigrew, Losani Homes, respecting the demolition permit for 1531 and 1545 Upper Sherman Avenue (Item 4.1)

On a Motion (Collins/Johnson), Committee approved the delegation to speak on June 7, 2011, when a staff report will be on the Agenda.

(ii) Christine Crooks, with respect to the Glanbrook Animal Control issue (Added Item 4.2)

(iii) Myra James, with respect to the Glanbrook Animal Control issue (Added Item 4.3)

(iv) Dave Mitchell, with respect to the Glanbrook Animal Control issue (Added Item 4.4)

On a Motion (Pearson/Partridge), Committee approved the three delegations respecting this matter to speak today.

- (v) **Matt Johnson, IBI, respecting Item 5.1 on today's Agenda, 154 and 574 Northcliffe Avenue (Dundas) (Added Item 4.5)**

On a Motion (Johnson/Partridge), Committee approved the delegation to speak today.

- (e) **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application DN/A-11:08, Sisters of St. Joseph (Owner), 154 and 574 Northcliffe Avenue (Dundas) (PED11080) (Ward 13) (Item 5.1)**

Paul Mallard advised Committee that late yesterday, a settlement had been reached with the applicant. This settlement is supported by Russ Powers, the Ward Councillor. Mr. Mallard provided proposed wording for acceptance of the settlement. He noted that staff has no position on the third party appeal of the item.

Matt Johnson, IBI Group, addressed Committee and advised that his client supported the settlement and the staff Motion proposed by Mr. Mallard.

On a Motion (Pearson/Johnson) Committee received the delegation.

Committee approved the Motion respecting the settlement put forward by staff.

- (f) **Amendments to the Requests to Designate Properties Under Part IV of the Ontario Heritage Act: Priorities and the Register of Property of Cultural Heritage Value or Interest (PED11098) (Wards 2, 8, and 11) (Item 5.3)**

Councillor Farr asked questions relating to designation process and the designation of 91 John Street.

Meghan House advised that this property was expected to be designated in 2012.

Committee approved the staff recommendation.

- (g) **Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Located at 45 Royal Winter Drive (Glanbrook) (PED11058) (Ward 11) (Item 6.1)**

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 the Official Plan Amendment is approved and by-law is passed, 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.
- b) 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 the Official Plan Amendment is approved and by-law is passed, 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.

On a Motion (Pearson/Ferguson), Committee dispensed with the planner's full presentation.

Matthew Blevins was present to assist Committee and provided an overview of the site and its location. He noted that a Public Notice sign had been erected on the property, as required by the Act. Staff was made aware of a problem with the sign on May 2, 2011. Staff advised the agent of the problem, and it was repaired on the same day.

Steven Armstrong, the applicant's agent, addressed Committee in support of the application. His points included but were not limited to the following:

- high density designation requested to allow "back-to-back" maisonettes and for townhouses. Losani had previously applied for a change from the original High Density to Medium Density, but request is now to revert to High Density
- 62 units proposed for site – revised visitor parking, now provides 31 spaces
- none of the proposed units back onto existing houses
- various reductions/amendments requested to existing by-law to allow this development. Partly due to new type of housing form, partly due to fact that Glanbrook By-law 20 years old, outdated. By-law does not meet intent of the Official Plan
- most of changes requested have already been approved in previous Losani and Empire Communities projects
- additional amenity space will be provided in park across the street
- confident that adequate space on site to accommodate blue boxes, recycling, and this will be finalized at Site Plan stage
- common element condominium, new owners will be advised of parking requirements and other relevant matters

- storm water arrangements handled through approved Master Servicing Plan.

Fred Losani, Losani Homes, addressed Committee in support of the application. He confirmed the points made by Mr. Armstrong, and added that the density requirements in the Official Plan cannot be met through the current zoning by-law.

Sarah Cooke, 24 Carver Drive, Binbrook, addressed Committee. Her concerns included, but were not limited to, the following:

- parking spaces in new development backing onto existing single detached homes
- sign advertising the Public Meeting misleading, only as of May 12 was sign changed to say Public Meeting to be on May 17, 2011
- proposal will change small town feeling, not appropriate, no amenities in Binbrook
- children crossing Royal Winter Drive is unsafe, also not suitable for children to walk to school through the woodlot.

Committee discussed the matter and expressed concerns including the following:

- did signage display the date of the Public Meeting for the time required by Planning Act?
- Should a Site Plan be submitted now to demonstrate how all required details can be handled?
- Concerns about large number of variances.

Dave Mitchell, 310 Southbrook, Unit 10, addressed Committee. His points included, but were not limited to, the following:

- Losani a good builder, none better in Binbrook
- Problems with lack of parking in new developments
- Zoning should require two parking spaces per unit, in addition to a garage, as garages used for storage
- Fall Fair Way build 6" too low, has flooding issues, other flooding issues in Binbrook as well
- Need sidewalks to connect developments to core, especially on Binbrook Road
- Proposal should go back to staff for a second look.

No further speakers came forward to address Committee.

On a Motion (Ferguson/Johnson), the Public Meeting was closed.

Committee discussed the matter further, and provided the following direction:

That the subject application be referred back to permit the Ward Councillor, the applicant, and staff to work on revisions to the proposal, and that a new Public Meeting be held, with full circulation, at a future date.

(h) Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11) (Item 6.2)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 the Official Plan Amendment is approved and by-law is passed, 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.
- b) 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 the Official Plan Amendment is approved and by-law is passed, 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.

On a Motion (Pearson/Partridge), Committee received the added communications from:

Heather Fiuza, 122 Valiant Circle, Binbrook
Sarah and Craig Cook, 24 Carver Drive, Binbrook

Councillor Johnson requested that the added communication from Jeff Hinchcliffe be withdrawn from the Agenda. The letter contained inappropriate remarks, for which Mr. Hinchcliffe has apologized.

Peter De Iulio was present to assist Committee and provided an overview of the application, with the help of a powerpoint presentation. Points highlighted included, but were not limited to, the following:

- change in Official Plan to allow back-to-back townhouses, proposed density allows 26-40 units per net hectare
- public comments received following circulation expressed concerns respecting traffic increases, parking, building height, compatibility, infrastructure
- proposed by-law modifications considered reasonable, Glanbrook By-law is twenty years old, has become outdated, staff do not agree with modification to permit stairs to encroach into garages

- proposed common element condominiums, a future public process will be needed for condominium approval.

Steven Armstrong, Armstrong Hunter, agent for the developer, addressed Committee in support of the staff recommendations and the applications. His points included, but were not limited to, the following:

- Losani has worked on project for two years, refining concepts and details with staff
- Requesting fewer units than maximum density permits, 92 versus 107, includes range of housing types, includes more visitor spaces than by-law requires
- Application is ready for site plan submission.

Committee asked various questions of staff and the agent, and they provided additional information. Concerns raised by Committee included, but were not limited to, the following:

- concern that proximity of some of townhouse blocks to major roads results in no usable rear yards
- large number of variances is an issue
- traffic issues, safety issues respecting crossing Fall Fair Way, particularly for children
- will the approval of this development form set a precedent?
- while project meets Provincial policies, does it fit in Binbrook?
- Lack of sidewalks in area, particularly on Binbrook Road
- Can development be reduced in size, and meet more of by-law requirements?

Benny Seminerio, 120 Valiant Circle, addressed Committee. His points included, but were not limited to, the following:

- concern that emergency vehicles may not be able to access development, this had happened in a previous fire on Fall Fair Way, unsafe condition
- traffic on Fall Fair Way and Valiant Circle already bad, this will make it worse, concern about safety of children.

Rebecca Fletcher, 108 Valiant Circle, addressed Committee. Her comments included, but were not limited to, the following:

- moved to Binbrook to raise her family in a small town, country area
- sales agent who sold house to her family told them subject site would be developed as adult lifestyle community, like that idea
- parking problems already exist, particularly on Fall Fair Way, safety issue for all, especially children. This will make it worse.
- Requested by-law enforcement of four hour parking
- Not safe now for small children to cross streets, this will make it worse.

Craig Cook, 24 Carver Drive, addressed Committee. His points included, but were not limited to, the following:

- agreed with concerns of previous speakers
- this type of development better in urban location, 93 units too many for this site, high density not right for Binbrook
- families in Binbrook need two cars, need to drive everywhere, as no transit, existing parking problems, will get worse
- visitor parking not the real problem, everyday parking is the problem. Garages used as storage, people must then park on street
- suggested two, full size parking spaces per unit, beyond garage space
- showed powerpoint of various streets in new developments in Binbrook, to show parking issues.

Sarah Cooke, 24 Carver Drive, addressed Committee. Her concerns included, but were not limited to, the following:

- has petition against the development, responses which showed opposition to proposal
- prefer an adult lifestyle community on site
- development should be at the lower end of permitted maximum
- existing mail boxes on her street for houses on adjacent street. Was this increase in the traffic taken into consideration?

Phil Rayment, 49 Valiant Circle, addressed Committee. His concerns included, but were not limited to, the following:

- concerned about current bad road conditions
- proposal not a good fit for Binbrook, too high a density, in an area where no transit
- parking problems exist in area, will get worse
- prefer an adult lifestyle community, not more than two storey buildings.

Erin Buckle, 57 Valiant Circle, addressed Committee. Her comments included, but were not limited to, the following:

- wants an adult lifestyle community
- did an on-line survey, all those who responded (45 responses) were against the development, 98% wanted medium density, said three storey units are too high
- suggested developer should go to low end of the high density scale, 73 units would be OK
- developer told them this would be an adult lifestyle community, where is City responsibility in this?

Tim McCabe explained that the City has no responsibility for what a developer/developer's agent may say. The Planning Act provides the rules for the City.

Mauro Iacordone, 40 Valiant Circle, addressed Committee. His comments included, but were not limited to, the following:

- originally wanted to purchase from Losani in 2008, but told Losani not building then, due to economy. When made decision to buy, developer told him bungalow towns to be built.
- Purchase based on this, asked numerous times before purchase, never any mention of high density
- Has bought previous homes from Losani, good quality.

Dene Mawson, 112 Valiant Circle, address Committee. Her comments included, but were not limited to, the following:

- understood that 73 single/two storey homes going in, requested developer build to lower end of density
- proposal not complementary to existing neighbourhood, does not fit in with Binbrook Secondary Plan
- wants to have a better view from her house than three storey townhouses
- Fall Fair Way will become very busy, traffic issues a problem, suggested opening the median on Fall Fair Way and providing access.

Dennis Clara, 20 Carver Drive, addressed Committee. His comments included, but were not limited to, the following:

- concerns about compliance of proposal with Building Code
- suggested designing a parkette in central part of development, for the children who will live there
- moved to Binbrook to have life in small, rural town, but character will be lost with this type of development. Likes Binbrook right now.
- Concern about safety of children crossing road to park
- Proposed development will produce at least 100 extra vehicles, too many problems for area
- Requested Committee slow down the process.

No further speakers came forward to address Committee.

On a Motion, the presentations were received.

Committee agreed to hear again from the developer, Fred Losani. Mr. Losani addressed Committee and raised a number of points, including, but limited to, the following:

- explained how concept evolved, long process of two years to get to this style, wants to achieve attractive built residential form

- reduced unit count from original 107 to achieve this proposal
- variety of housing types, pedestrian friendly, good designs
- time is of the essence here
- could possibly look at changes in traffic median, ingress and egress, installation of no parking signs
- Glanbrook by-law is outdated, this is reason for variances, would not need so many variances if Comprehensive By-law in place
- Previously considered adult lifestyle development, but rescinded the concept and the brochure in 2008, when new signs made, then went to medium density
- Have had two public open houses, cannot change built form now.

Committee discussed the issues further, and expressed their desire for a compromise, based on the public comments.

Mr. Losani agreed to a deferral until the June 7, 2011 Planning Committee meeting.

On a Motion (Johnson/Ferguson), Committee approved the following:

That the subject application be deferred to the Planning Committee meeting on June 7, 2011 to allow staff, the Ward Councillor, and the applicant to meet, to consider ways in which the subject application could be revised to achieve better compatibility with the existing neighbourhood.

(i) Application to Amend Flamborough Zoning By-law 90-145-Z for the Property Located at 23 Orchard Drive (Flamborough) (PED11084) (Ward 15) (Item 6.3)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 the zoning application is approved and by-law is passed, 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.
- b) 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 the zoning application is approved and by-law is passed, 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.

On a Motion (Pearson/Partridge), Committee dispensed with the planner's presentation.

Timothy Lee was present to assist Committee.

Dan MacLaren, the applicant's agent, addressed Committee in support of the application. He noted that the applicant wished to build a one-storey home, and requested that the maximum coverage for a one-storey building be increased to 45%.

Staff agreed that this additional coverage for a one-storey building was acceptable.

No members of the public came forward to address Committee.

On a Motion (Pearson/Partridge), the Public Meeting was closed.

Committee approved the amendment, and then approved the recommendation, as amended.

(j) Creating an Adult Film Theatre Licence Category (PED08261(a))(City Wide) Outstanding Business List Item (Item 6.4)

The Chair advised that the subject meeting had been advertised in The Spectator, as required by the Municipal Act.

Vince Ormond gave an overview of the staff report. Highlights included, but were not limited to, the following:

- City must licence a minimum of two premises, under Municipal Act
- City already licences other adult services.

No members of the public came forward to address Committee.

Committee discussed the matter and had further information supplied by staff.

Committee approved an amendment to the recommendation:

That staff be directed to monitor, on an on-going basis, changes in legislation which would require the location of Adult Film Theatre facilities in areas further away from commercial and residential areas.

Committee approved the Motion, as amended.

(k) Addition of Lands to the Niagara Escarpment Plan - Cootes Paradise Link - Additional City Comments (PED10228a) (Ward 13) (Item 8.1)

Joanne Hickey-Evans was present to assist Committee and provided an overview of the report.

Committee discussed the matter and it was confirmed that the Ward Councillor was in favour of the recommendations.

Committee approved the staff report.

(l) Sharing of Parking Revenue - Locke Street Merchants Association (PED06003(b)) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15) (Item 8.2)

Hazel Milsome was present to assist Committee with the staff report, and provided an overview.

Committee discussed the matter and had additional information supplied by staff.

Committee approved the staff recommendation.

(m) Methadone Clinics (PED11096)(City Wide) (Outstanding Business List Item) (Item 8.3)

Glynn Wide provided an overview of the staff report.

Committee discussed the matter and had further information supplied.

On a Motion, Committee approved the following amendment to the staff recommendation:

- (c) That all staff who become aware of any new methadone clinics be directed to notify the Ward Councillor immediately, to allow for community discussions about the proposal and its operation.

Committee approved the staff recommendation, as amended.

(n) MOTIONS (Item 9)

Parking Passes for Members of City Sub-Committees

That staff be directed to issue parking passes for the City Hall parking lot to members of City Sub-Committees whose meetings take place after normal working hours, as appropriate

(o) NOTICES OF MOTION (Item 10)

(i) Waiving of Planning fees respecting 70 Innovation Drive Waterdown (Item 10.1)

On a Motion (Partridge/Whitehead), Committee waived the rules, in order to permit the item to proceed as a Motion.

Councillor Partridge explained the background to the request, and had further information confirmed by staff.

Committee approved the Motion.

(p) GENERAL INFORMATION (Item 11)

(i) Removal of Items from the Outstanding Business List

On a Motion (Farr/Pearson), Committee removed the following items from the Outstanding Business List;

- Licensing Requirements for Festivals/Special Events
- Sharing of Parking Revenue - Locke Street Merchants Association
- Premises that exhibit adult sex films /Creating an Adult Film Theatre Licence Category
- Sharing of Parking Revenue - Locke Street Merchants Association
- Parking passes for City hall Meetings

(ii) Glanbrook Animal Control-added item11.2

On a Motion, Committee received added communications from the following on this matter;

Kevin Keyte
Janice Muirhead and Jonas
Glen Watkinson

Bruce & Lynn Thomas
Chris Paisley
Denise Duvall
Myra G. James
Morreen Kemper

Councillor Johnson gave an overview of the current situation. She explained that the animal control service in Glanbrook has been provided by a private contractor for a number of years. As part of the approval of the 2011 Budget, animal control services were approved to be brought in house, but due to the delay in the Budget process, and the need for changes to the City's services, the existing contractor has been kept on a month to month basis. The Councillor advised that the contractor, Michelle Bain, provides an excellent, efficient and cost effective service, and that she would like consideration given to extending the Glanbrook private animal control service, in whole or in part, to keep this excellent service.

Marty Hazell and Sue O'Dwyer gave an overview of the animal control changes, the budget process and the savings which will be realised by bringing the service in-house.

Dave Mitchell addressed the Committee in support of the retention of the current private contract for Glanbrook, and the existing contractor. He noted that the service is first rate, and that the provision of this level of service in house would be much more expensive.

Christine Crooks addressed the Committee in support of the retention of the current private contract for Glanbrook, and the existing contractor.

Myra James addressed the Committee in support of the retention of the current private contract for Glanbrook, and the existing contractor.

Committee discussed the matter and had additional information supplied by staff and the delegations.

The following Motion was placed on the floor;

- (a) That staff be directed to investigate the continuation of the Glanbrook Animal Control Contract, in whole, or in part, and report back to General Issues Committee, with an appropriate RFP;
- (b) That the current Glanbrook Animal Control Contract with Michelle Bain, be continued on a month-to-month basis, pending the finalization of the outcome of the above noted report and RFP.

Committee recognized the procedural and budget complexities involved in this issue, and did not vote on the Motion. Committee agreed that the matter would be considered further at Council.

(iii) News from the General Manager (Item 11.1)

There was none.

(q) PRIVATE AND CONFIDENTIAL (Item 12)**(i) Closed Session Minutes of April 5, April 19 and May 3, 2011 (Items 12.1, 12.2, 12.3)**

On a Motion, the Closed Session Minutes of the Planning Committee meetings held on April 5, 19 and May 3, 2011, were approved as presented. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

(ii) Comprehensive Zoning By-law - Industrial Zone Appeals Report PED11063(a) (Item 12.4)

On a Motion, Committee moved into Closed Session, at 12:06 pm, to consider one item which is before the OMB and subject to Section 8.1(e) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City, with regard to the OMB hearing for the Comprehensive Zoning By-law - Industrial Zone Appeals.

The Chair advised the public that while they were required to leave the Chambers for the consideration of this item, they were welcome to return, when Committee had finished their Closed Session discussions.

On a Motion, Committee reconvened in open session at 1:05 pm.

The Chair advised that Committee had met in Closed Session to receive advice from legal counsel respecting the OMB Hearing on Comprehensive Zoning By-law - Industrial Zone Appeals. There was nothing further to report at this time.

(r) ADJOURNMENT (Item 13)

On a Motion, the meeting adjourned at 7:40 pm.

Respectfully submitted

Robert Pasuta, Chair
Planning Committee

Alexandra Rawlings
Co-ordinator
May 17, 2011