PLANNING COMMITTEE
REPORT 11-022
Tuesday, December 6, 2011
9:30 am
Council Chambers
City Hall
71 Main Street West
Hamilton, Ontario

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

Absent with Regrets: Councillor J. Partridge, vacation

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

THE PLANNING COMMITTEE PRESENTS REPORT 11-022 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Chair and Vice Chairs
   (a) That Councillor Clark be appointed as Chair of the Planning Committee for 2012.
   (b) That Councillor Farr be appointed as 1st Vice Chair of the Planning Committee for 2012.
   (c) That Councillor Johnson be appointed as 2nd Vice Chair of the Planning Committee for 2012.
2. Heritage Permit Application HP2011-057 Under Part V of the Ontario Heritage Act for Erection of Structures at 1014 Beach Boulevard (Hamilton) (PED09285(a)) (Ward 5) (Item 5.1)

That Heritage Permit Application HP2011-057 be approved for the erection of a new two-storey, single detached dwelling, on the designated property at 1014 Beach Boulevard (Hamilton) (Hamilton Beach Heritage Conservation District), as shown on Appendix “A” to Report PED09285(a), subject to the following conditions:

(a) That details are provided for material and colour of entry and garage doors, windows, vents, chimneys, trim, hardware, and lights, to the approval and satisfaction of City Planning staff;

(b) That construction and site alterations, in accordance with this approval, shall be completed no later than December 31, 2013. If the construction and site alterations are not completed by December 31, 2013, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3. Correspondence from Jim Skarrat, respecting the Hess Village Paid Duty Program (Item 6.1)

That the correspondence from Jim Skarrat, respecting the Hess Village Paid Duty Program, attached hereto as Appendix “A”, be received.

4. Hamilton Habitat for Humanity (Item 9.1)

WHEREAS the Municipal Act requires municipalities to enact a by-law pursuant to and in accordance with the requirements of the Act, to establish procedures for the sale of real property owned by the municipality;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall, by by-law or resolution, declare the lands to be surplus;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property;

AND WHEREAS City Council on March 6, 2002 in adopting Item 21 of Report 02-008 of the Committee of the Whole, declared Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan...
AND WHEREAS Hamilton Habitat for Humanity, a non-profit organization, has requested the acquisition of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of $2;

AND WHEREAS the deemed offer price of $2 for the subject property is below the range of the fair market value as determined through an in-house appraisal of the subject’s fair market value estimated at $55,000;

AND WHEREAS the proceeds that were to be realized for the sale of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT) were to be credited to the City’s Reserve-Hamilton Beach account and that the monetary loss from the sale be reflected within the City’s Reserve-Hamilton Beach account.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

a) That the Real Estate Section be directed to dispose of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of $2;

b) That the Real Estate Section be directed to prepare an Offer to Purchase for the sale of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of $2;

c) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.
5. **Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas) (PED11207) (Ward 13) (Item 6.3)**

That approval be given to **Zoning Application ZAC-11-054, by Dundas Historical Society Museum, Owner**, for changes in zoning from the Public and Private Service Zone (PPS) (Block 1) and the Low Density Residential Zone (R4) (Block 2) to the Public and Private Service Zone (PPS/S-121), Modified, with a Special Exception, to permit museum and archive uses within all existing buildings, on lands located at 133 and 139 Park Street West (Dundas), as shown on Appendix “A” to Report PED11207, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11207, 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, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.

6. **Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek) (PED11210) (Ward 10) (Item 6.4)**

That approval be given to **Draft Plan of Vacant Land Condominium 25CDM-201107, Multi-Area Developments Inc., Owner**, to create 5 units and a common element (Private) Roadway, on lands located at 327 Fruitland Road (Stoney Creek), as shown on Appendix “A” to Report PED11210, subject to the following conditions:

(a) That this approval applies to the plan prepared by A.J. Clarke & Associates Ltd., signed by B.J. Clarke, Ontario Land Surveyor, dated September 9, 2011, showing the following condominium elements: 5 units for commercial uses and a common element road, attached as Appendix “B” to Report PED11210;

(b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92, to the satisfaction of the Director of Planning;

(c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-10-161), to the satisfaction of the Director of Planning;
(d) That the owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton, to the satisfaction of the Director of Planning;

(e) That the owner shall enter into, and register on title, the Condominium Agreement incorporating the approved plan of condominium and related conditions, to the satisfaction of the City Solicitor;

(f) That the owner provides the Manager of Engineering Design and Construction with evidence that satisfactory arrangements, financial and 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;

(g) That the Condominium Agreement includes clauses advising unit purchasers or lease holders that all parking spaces, except for a reasonable number of parking spaces needed to be reserved for specific uses or for employee or owner parking, will be utilized communally amongst all 5 Condominium Units, except for access restrictions for the interior of Unit 5 (the mini-storage use), to the satisfaction of the Director of Planning;

(h) That the Condominium Agreement include clauses advising unit purchasers or lease holders that access to the outdoor portions of their respective condominium units is granted to the Condominium Corporation or the owners of the other Condominium Units within the Condominium Corporation, subject to appropriate notification, in order to complete any necessary emergency repairs or maintenance on any above or below ground services impacting either the Common Element Condominium driveway or other Condominium Units within the Condominium Corporation, to the satisfaction of the Director of Planning.

7. Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster) (PED11211) (Ward 12) (Item 6.6)

That the application to Amended Zoning Application ZAC-11-019, by 1340791 Ontario Limited (Gabe Gasbarrini), Owner, for changes in zoning from the Existing Residential “ER-538” Zone Modified (Block 1), the Existing Residential “ER-539” Zone, Modified (Block 2), and the Existing Residential “ER-540” Zone, Modified (Block 3), to the Residential Multiple “RM5-638” Zone, Modified, with a Special Exception, to permit two, 3-storey, multi-plex dwellings having 12 units each, on the property located at 121 Fiddlers Green Road (Ancaster), be denied as it will cause over-intensification and change the character of the area, as a result of the twelve variances requested.
8. **Correspondence from George Gresko**

That the correspondence from George Gresko respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), attached hereto as Appendix “B”, be received.

9. **Correspondence from Frank Van Hullenaar**

That the correspondence from Frank Van Hullenaar respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), attached hereto as Appendix “C”, be received.

10. **Correspondence from Jan and Tom Wolfe**

That the correspondence from Jan and Tom Wolfe respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), attached hereto as Appendix “D”, be received.

11. **Vacant Building Registry By-law Update (PED09031(d)) (City Wide) (Item 8.1)**

(a) That the Vacant Building Registry By-law be amended to require an owner to display, "For Information or Inquiries", signage which includes emergency contact information on every registered vacant building;

(b) That the City's User Fees and Charges By-law be amended by adding a $300.00 annual fee for each additional vacant building on a property to cover the costs for inspections and administration;

(b) That the amending By-law, attached as Revised Appendix “A” to Report PED09031(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

12. **Report 11-005 – Hamilton Municipal Heritage Committee (Item 8.3)**

That Report 11-005 – Hamilton Municipal Heritage Committee, be received.

   (a) That the City of Hamilton consents to the settlement with 1694408 Ontario Inc./Demik Developments respecting their appeal of the Natural Heritage policies of the Rural Hamilton Official Plan, as set out in the draft revised Schedules/maps to the Rural Official Plan provided to the Planning Committee on December 6, 2011 by the City Solicitor;

   (b) That the revised Schedules/maps to the Rural Official Plan be in the form as provided to the Planning Committee on December 6, 2011 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;

   (c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate;

   (d) That the verbal update, as provided in closed session, and the discussion, respecting Verbal Report - Hamilton Rural Official Plan Proposed Settlement for OMB Appeal of Natural Heritage Mapping - Site Specific, remain confidential and restricted from public disclosure.

**FOR THE INFORMATION OF COUNCIL:**

(a) **CEREMONIAL ACTIVITIES**

   Councillor Ferguson welcomed the Grade 10 Civics from Ancaster High School, accompanied by their teacher, Peter Sheahan.

(b) **APPOINTMENT OF CHAIR AND VICE CHAIRS**

   Councillor Johnson was nominated as the 2nd Vice Chair of the Planning Committee for 2012.

   For disposition on this Item, refer to Item 1.
(c) CHANGES TO THE AGENDA

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

PUBLIC HEARING AND DELEGATIONS

6.1 Delegation by Dean Collett, respecting the Hess Village Paid Duty Program
   (i) Correspondence from Jim Skarratt, respecting the Hess Village Paid Duty Program

6.6 Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster) (PED11211) (Ward 12)
   (i) Correspondence from George Gresko
   (ii) Correspondence from Frank Van Hullenaar
   (iii) Correspondence from Jan and Tom Wolfe

DISCUSSION ITEMS

8.3 Report 11-005 – Hamilton Municipal Heritage Committee

PRIVATE AND CONFIDENTIAL

12.3 Verbal Update - Setting Sail - Ontario Municipal Board Hearings

The Agenda for the December 6, 2011 meeting of the Planning Committee was approved, as amended.

(d) DECLARATIONS OF INTEREST

None.

(e) APPROVAL OF MINUTES

Item 3 of the Planning Committee Minutes 11-021 was amended by deleting the preamble and sub-sections (a) through (c) in their entirety and replacing them with the following in lieu thereof:

That approval be given to Zoning Application ZAR-11-035, by Dr. Luay Ali Al-Kazely, Owner, for a change in zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone, with a
Special Exception and Holding Provision, in Hamilton Zoning By-law No. 05-200, in order to permit a Medical Clinic on the ground floor of the existing office building, for the property located at 260 Nebo Road (Hamilton), as shown on Appendix “A” to Report PED11205, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

The Minutes of the November 22, 2011 Planning Committee meeting were approved, as amended.

(f) DELEGATION REQUESTS

(i) Delegation request by Steven Knight, respecting Motorcycle Parking in Hamilton (Item 4.1)

The delegation request submitted by Steven Knight respecting, Motorcycle Parking in Hamilton, was approved.

(g) PUBLIC HEARINGS AND DELEGATIONS

(i) Delegation by Dean Collett respecting, Hess Village Paid Duty Program (Item 6.1)

Dean Collett addressed the Committee respecting the Hess Village Paid Duty Program. Mr. Collett is asking that the City help to relieve some of the costs associated with the Program which was initially established to be a cooperative between the City and the establishments in the Hess Village Entertainment District. He expressed that the growth of the Paid Duty Program has been doubled in twelve years from $50,000 to over $100,000 a year and that there is a large administration fee that cost approximately $20,000 a year.

Councillors asked questions of the delegate relating to, but not limited to:
- The importance of the entertainment district;
- The current billing system for the Paid Duty program; and
- How the Paid Duty Program works and why ten Police Officers are required.
Councillor Pearson requested that staff to provide a chronological timeline of the changes to the paid duty program, starting with its initiation.

The delegation by Dean Collett respecting, Hess Village Paid Duty Program, was received.

Councillors asked questions of staff relating to, but not limited to:
- The definition of an entertainment district;
- The importance of this district to the downtown and attracting young professionals;
- If Hess Village is included in the downtown revitalization initiatives;
- If the turnover of businesses in Hess Village is healthy for the area;
- Who determines the number of officers needed in the area;
- What budget the cost of the Paid Duty Program would come out of, should the cost of the Program be split.

The correspondence from Jim Skarrat respecting, Hess Village Paid Duty Program, was received.

(Farr/Clark)
WHEREAS it is regular practice for staff to review some by-laws after a sufficient duration to better understand our by-laws impact and effectiveness;

WHEREAS Hess Village Entertainment District is deemed an important economic player that helps encourage young professionals to live and work in Hamilton’s Downtown and that employees 500 full and part time workers and brings in a maximum 10 million;

WHEREAS the Hess Village merchants who sell alcohol are billed an average Paid Duty annual sum of 130 Thousand Dollars;

Whereas the existing 15% administration fee appears to be charged in every case, regardless of amount or complexity of work involved;

WHEREAS the Paid Duty program in Hess Village was initiated by the merchants themselves in 2000 and was originally divided between the merchants and Hamilton Police Service (HPS) in a cooperative effort and on a 50/50 basis and by the end of that first season a total of 8 PD Officers were split. The program now sees ten PD Officers and is now fully funded by the merchants;
WHEREAS Paid Duty Officers on shift in Hess Village regularly issue fines, tickets and at times lay charges to patrons of Hess Village;

WHEREAS, Hamilton Police Services representatives recently suggested to Hess Village Merchants responsible for paying into the Paid Duty program that if they wanted to reduce the escalating amounts billed to them, they would have to approach the City of Hamilton;

WHEREAS it is clear that some businesses directly benefit and sometimes contribute to the crowds associated with the Entertainment District, particularly after hours and not limited to those within the defined boundaries, but also those directly across the street from those defined boundaries who choose too stay open late (although do not serve alcohol) as a direct result of the patrons exodus;

WHEREAS the current system of Paid Duty billing timing and delivery of bills to Hess Village Merchants may at some times appear to be haphazard and inconsistent and that on occasion, it is has been claimed that after one or two days upon receipt of a bill, the bill has gone to a collection agency;

WHEREAS the Ward Councillor has made a concerted effort to address the matter of Paid Duty Police Billing in Hess Village for nearly one year;

THEREFORE BE IT RESOLVED that staff from the Urban Renewal office:

(a) Review the Hess Village Paid Duty By-law in an effort to measure it’s impact and effectiveness;

(b) Assist Hamilton Police Services Administration staff in developing a consistent billing delivery system with a reasonable payment period and seek out efficiencies in administration fee billing with consideration to the reoccurring nature of the bills submitted;

(c) Report back on the reasons for the demise of the cost sharing model with respect to Paid Duty Enforcement and investigate ways in which to bring it back without compromising the amount of Paid Duty Officers HPS feels appropriate for Hess Village;

(d) Report back on the total cost to Hess Village Merchant to Paid Duty Police in the 2011 season;

(e) Determine and report back on the intake and or revenue generated from tickets, fines and charges issued to patrons of Hess Village
during the Paid Duty Enforcement Periods and Municipal Law Enforcement in Hess Village;

(f) In the event of fine or ticket revenue that exceeds costs, explore the feasibility of offsetting the Paid Duty Costs with portions of this excess. While maintaining the cost recovery model, where applicable;

(g) Determine the businesses that do not serve alcohol, but are open late in an effort profit from the exodus of Hess Village patrons and measure what if any Paid Duty activity is required in the area of these establishments;

(h) Determine the economic spin-off or benefits directly associated with the existence of an economically viable Hess Village and that staff report back within a reasonable time period that allows for Council consideration and possible implementation of new model of Paid Duty Enforcement with consideration to the original shared cost model that in no way compromises Hamilton Police Services determined requirements and do so before the inception of the 2012 season;

(i) That staff include in their report the information from the 2009 report on the PD issue, and share all information with the HPS Board moving forward.

(ii) **Delegation by John Ariens respecting, Hamilton Habitat for Humanity (Item 6.2)**

John Ariens, Chair of Site Selection, Habitat for Humanity Hamilton, addressed the Committee respecting the Hamilton Habitat for Humanity with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

The delegation by John Ariens respecting, Hamilton Habitat for Humanity, was received.

The rules were waived to allow item 9.1, Councillor Collin’s motion respecting Hamilton Habitat for Humanity, to be heard at this time.

For disposition on this Item, refer to Item 4.
(iii) Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas) (PED11207) (Ward 13) (Item 6.3)

In accordance with the provision of the Planning Act, Chair Pasuta 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 public speakers came forward.

The public meeting respecting, Report PED11207, Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas), was closed.

The staff presentation respecting, Report PED11207, Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas), was waived.

For disposition on this Item, refer to Item 5.

(iv) Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek) (PED11210) (Ward 10) (Item 6.4)

In accordance with the provision of the Planning Act, Chair Pasuta advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the draft plan the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
No public speakers came forward.

The public meeting respecting, Report PED11210, Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek), was closed.

The staff presentation respecting, Report PED11210, Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek), was waived.

For disposition on this Item, refer to item 6.

(v) Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209) (Ward 11) (Item 6.5)

In accordance with the provision of the Planning Act, Chair Pasuta 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 public speakers came forward.

The public meeting respecting, Report PED11209, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook), was closed.

The staff presentation respecting, Report PED11209, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook), was waived.

Matt Johnston, the agent, addressed the Committee on behalf of the applicant and spoke to the application and asked that holding placed on
the property for the archaeological assessment be reduced and applied only to the back half of the property.

The agent presentation respecting, Report PED11209, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook), was received.

Report PED11209, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook), was referred back to staff for consideration of the request from Prime Limousine Services Inc. to reduce the limit of the holding provision related to the archaeological assessment and report back to the Planning Committee on January 17, 2012.

(vi) Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster) (PED11211) (Ward 12) (Item 6.6)

(aa) Correspondence from George Gresko
(bb) Correspondence from Frank Van Hullenaar
(cc) Correspondence from Jan and Tom Wolfe

In accordance with the provision of the Planning Act, Chair Pasuta 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.

(1) Cameron Thomas, Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

The staff presentation respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.
(2) Joe Lakatos, the agent, addressed the Committee on behalf of the applicant and outlined the aesthetics of the building and its intended use.

The applicant presentation respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

Public Speakers

(3) Brian Jones – 59 Douglas Rd., Ancaster ON, L9G 2E4

Mr. Jones addressed the Committee with the aid of speaking notes. A copy of these speaking notes has been included in the official record. Mr. Jones expressed concerns over the height of the building, the proximity of the building to the property line, the amount of parking and that the road is unsuitable for parking should there be an overflow from this building.

The public presentation from Brian Jones respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

(4) Frank Van Hullenaar – 33 Douglas Rd., Ancaster ON, L9G 2E2

Mr. Van Hullenaar addressed the Committee and expressed concerns over the size of the building. Mr. Van Hullenaar also provided distributions of a notice and a report relating to 121 Fiddlers Green Road from the former Town of Ancaster. A copy of these distributions has been included in the official record.

The public presentation and distributions from Frank Van Hullenaar respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

(5) Teresa St Michael – 25 Douglas Rd., Ancaster ON, L9G 2E2

Ms. St Michael addressed the Committee and expressed concerns over the property. Ms. St Michael provided a copy of a petition that has been included in the official record.
The petition presented by Teresa St Michael respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

The public presentation from Teresa St Michael respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

(6) Donna Rocchi – 110 Fiddlers Green Road, Ancaster ON, L9G 2C8

Ms. Rocchi addressed the Committee and expressed concerns over the proposed project. She discussed the many amendments being proposed and indicated that they are not in line with the surrounding residential neighbourhood.

The public presentation from Donna Rocchi respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

(7) Leslie Brandreth – 58 Douglas Road, Ancaster ON, L9G 2E3

Ms. Brandreth addressed the Committee and expressed concerns over the proposed project.

The public presentation from Ms. Brandreth respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

(8) Pat Banyard – 19 Douglas Road, Ancaster ON, L9G 2E2

Ms. Banyard addressed the Committee and expressed concerns over the proposed project. Ms. Banyard discussed the impact of the project on the privacy in her backyard and concerns of the amount of variances.

The public presentation from Ms. Banyard respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.
(9) Tom St Michael – 25 Douglas Road, Ancaster ON, L9G 2E2

Mr. St Michael addressed the Committee with the aid of speaking notes. A copy of these speaking notes has been included in the official record. Mr. St Michael expressed concerns over the proposed development and indicated the development does not fit with the character of the surrounding neighbourhood.

The public presentation from Mr. St Michael respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

The public meeting respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was closed.

The correspondence from George Gresko respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

The correspondence from Frank Van Hullenaar respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

The correspondence from Jan and Tom Wolfe respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), was received.

For disposition on this Item, refer to Item 7.

(h) DISCUSSION ITEMS

(i) Vacant Building Registry By-law Update (PED09031(d)) (City Wide) (Item 8.1)

The wording, “vacant build signage”, was deleted from the recommendation and replaced with the wording, “‘For Information or Inquiries’ signage”.

For disposition on this Item, refer to item 11.
(ii) Protection Measures for Existing Stable Residential Areas (PED11196) (Item 8.2)

Staff gave a brief overview of the report and confirmed that this issue will be dealt with in the Official Plan and will also include lengthy public consultation.

Report PED11196, Protection Measures for Existing Stable Residential Areas, was referred to staff for a report back with possible interim solutions to manage monster homes across the City of Hamilton, including a possible interim control bylaw.

(i) NOTICES OF MOTION

Councillor Pearson requested that staff provide suggested amendments to the Property Standards By-law to address the discharging of any source of water (i.e. pools, ponds, rain water barrels) and have a report come back to the Planning Committee in the first quarter of 2012.

(j) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments (Item 11.1)

The following outstanding business list item was removed:

(aa) Item I: Request from Environment Hamilton to add Cold Spring Creek Valley to Ontario Green Belt

(1) Correspondence from Julia Kollek

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

Mr. McCabe thanked Councillor Pasuta for his work as Chair of the Planning Committee during 2011.

(k) PRIVATE AND CONFIDENTIAL

(i) Closed Session Minutes, November 22, 2011 (Item 12.1)

(a) The Closed Session Minutes of the November 22, 2011, meeting of the Planning Committee were approved, as presented;
(b) The Closed Session Minutes of the November 22, 2011 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

The Planning Committee move into Closed Session at 1:44 p.m.

At 1:44 p.m., Committee moved into Closed Session to consider two confidential matters pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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 2:26 p.m.

(iii) Verbal Update – Setting Sail – Ontario Municipal Board Hearings (Item 12.3)

The direction and verbal update, as provided in closed session regarding the Verbal Update – Setting Sail – Ontario Municipal Board Hearings, is to remain confidential and restricted from public disclosure.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 3:34 p.m.

Respectfully submitted,

Councillor R. Pasuta
Chair, Planning Committee

Vanessa Robicheau
Legislative Assistant
Office of the City Clerk
December 6, 2011
To the Planning Committee
Dec 6, 2011

In regard to the practice of paid duties in Hess Village (the Village), I would like to suggest a formula be implemented to mitigate the current circumstances that punish dining establishments. Our current formula is counter-productive and in fact magnifies the concerns of our community.

The Village should return to a dining-entertainment focused area. As it stands, it is impossible to encourage or attract any dining establishments.

Currently, dining establishments are required to contribute equally to paid duties but the operations are totally different from nightclubs. For example, you can not charge admission (cover charge) to sell someone dinner. You can however open at 10 p.m. and charge admission to a nightclub setting. This puts a dining establishment at a significant disadvantage as the labour involved, nature of the operation and goals for the business are very different. By discouraging dining establishments we limit the demographics and diversity of our area.

With this in mind, I would like to suggest a point system to determine the amount of paid duty contribution requested.

For example:

1. If the establishment has a full kitchen and menu, a point is allocated.
2. If the operation is open more than 12 hours for lunch and dinner, a point is allocated.
3. If the establishment does not charge admission (cover charge) then a point is allocated.
4. If the venue does not have entertainment or dancing, a point is allocated.

Many Village operations would receive 2 or more points which would help offset the crushing overhead costs we deal with. If you set a fee structure it would be a simple formula to establish a rate for any operation.

For example, in the case of the Lazy Flamingo, we would receive 3 points. We do have entertainment so that allocation is gone. In the case of the Masque, we would receive 2 points because we do have entertainment and we are not open for lunch.

In summation, this approach would encourage operations to diversify and add a dining component to The Village that we have lost in recent years. We have operated in The Village for a long time and would like to see it resemble its roots as a dining destination that caters to a larger demographic. The current cost structure stops the transition that we
so desperately need. With new hotels and developments in our area, it is in everyone’s best interest to re-establish The Village as a dining destination and not just a concentration of nightclubs.

Thank you,

Jim Skarratt
Lazy Flaming / The Masque
November 22, 2011

DEivered to the Co-ordinator, Planning Committee
City of Hamilton on November 22, 2011

The Corporation of the City of Hamilton
71 Main Street West, 1st Floor
Hamilton, Ontario, L8P 4Y5

Attention: Co-ordinator, Planning Committee

Dear Sir/Madam:

Re: Amendment to Zoning By-Law No. 87-57
  - 121 Fiddlers Green Road, Ancaster, Ontario
  Your File No. ZAC-11-019

And Re: Public Meeting of Planning Committee
  December 6, 2011 @ 9:30 a.m.

I acknowledge receipt of your correspondence dated November 18, 2011, in respect to the aforesaid matter, for which I thank you.

Attached is a copy of my correspondence dated May 4, 2011, delivered to the City of Hamilton, which correspondence sets out my thoughts in respect of this proposed rezoning.

Obviously, I object to the re-zoning for the reasons stipulated in the above-noted correspondence.

Unfortunately I will be out of town on December 6th and unable to attend the meeting.

However, I wish it to be known that I submitted a written objection to the amendment to the zoning by-law and I wish to receive notification of the adoption or refusal of the amendment.

I also would appreciate receiving a copy of the Staff Report and I will send a representative over to the Planning and Economic Development on December 2, 2011, to obtain a copy.

Yours very truly,

George J. Gresko
GEORGE J. GRESKO
104 Rosemary Lane
Ancaster, Ontario
L9G 2K5

Delivered to the Planning Department & The City Clerk’s Office on May 5, 2011

The Corporation of the City of Hamilton Planning & Economic Development Dpt.
Planning Division, Development Planning
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

May 4, 2011

Dear Sir/Madam:

Re: Amendment to Zoning By-Law No. 87-57
   - 121 Fiddlers Green Road, Ancaster, Ontario
   Your File No. ZAC-11-019

I acknowledge receipt of your correspondence dated April 21, 2011, in respect of the aforesaid matter, for which I thank you.

I am somewhat appalled that the Town of Ancaster would even consider putting a 24 unit townhouse development at 121 Fiddlers Green Road, Ancaster.

I have to exit onto Fiddler’s Green Road from Douglas Road each and every day and more often than not I have to wait several minutes to get onto Fiddler’s Green Road.

Adding 24 more units would, in my opinion, merely add to the problems associated with the already “over used” Fiddler’s Green Road.

Further, I believe that placing a three story building adjacent to single family residential buildings is not good planning. You are jeopardizing the property values of the single family dwellings for the sake of allowing a developer to make substantial profits on the townhouses.

I am having a copy of this letter delivered to the City Clerk’s Department and I wish to be notified of the adoption or hopefully, the refusal of the proposed request.

Yours very truly,

George J. Gresko
Mr. Mayor, Councilors, and Planning Officials,

RE: ZONING APPLICATION ZAC11-019 (121 Fiddlers Green Road) by; 1340791 ONT. (G. Gasbarrini) of Brantford ON.

With respect to the planning department staff report mailed to me I have the following comments, concerns and questions.

I understand the planning departments' need to work within the "guidelines" for intensification and infilling being Provincial or City. However the subject lands have already been zoned for intensification and infilling by the Province since late 2000, early 2001. (ZB-99-16) and (ZAR-05-43) in 2005. The Applicant chose not to proceed.

The proposal is not consistent with the Provincial Policy Statement (PPS), Places to Grow Plan, Hamilton - Wentworth Official Plan, Ancaster Official Plan, or the Urban Hamilton Official Plan in that the proposal DOES NOT FIT the Property. The Alternative Proposal for up to 3 single detached dwellings "fit" more vibrantly and effectively.

The fact that the proposal is "intended" to be developed as a seniors / adult lifestyle condominium is nothing but a ploy to circumvent RM5 zoning criteria in order to reduce parking allotment from 56 spots to 39 spots (21 spots less). You only have to go up the street to 175 Fiddlers Green Road to verify what happens when zoning laws governing parking are bent to shoehorn in a development. Parking is brutal at that project which came under similar guidelines as this proposal.

The project is still too high (11.5 m / 37.77ft) RM5 requires max. height of 10.5m / 34.47ft.

Not all the perimeter trees will remain. The row of 8 mature spruce trees on the westerly rear boundary will be removed. The trees on the rear boundary are not the subject property nor in the control of the applicant, and should not be included in the proposal!

The owner lives in Brantford, can he not find a suitable property here or there where the development fits?

Provincial Policy Statement (PPS)
1.1.1.a. is to promote efficient development, not over intensification.
1.1.3. promoting regeneration. This is already going on in this community.
1.4.1 appropriate range of housing types. Not over saturate the area with stacked townhouses.

I submit that this project is NOT consistent with the PPS.

Places to Grow Plan (policies)

2.2.2.1.b. "Focusing intensification in intensification areas;...and," We are already intensifying.
2.2.2.1.h "Encouraging cities and towns to develop as complete communities." This area has been diversified for years, we are ahead of the curve.

Hamilton - Wentworth Official Plan. (HWOP)

The following policies of the HWOP are to be considered to be applicable to this proposal.

1. "The proposal would be located on a transit corridor within an urban area and would allow for compact development." This proposal is too compact.
2. "The proposal would be compatible with adjacent uses." Not all, too much density for the area.

Ancaster Official Plan

"The proposed development would add to the mix of housing in Ancaster by providing a form of housing that is geared to seniors" The fact is that the project is **NOT DEED RESTRICTED**, therefore anyone can live there. The "intent to market to seniors" is exactly that, an "intent" and not binding for the developer.

4.4.2. "allowing low-rise and innovative forms of attached housing." The project is certainly innovative albeit too large for the property.
4.4.6. "Council shall encourage a broad range and mix of residential units in terms lot size, unit size, type, and tenure. The range and mix shall be suitable to different income groups, age levels, lifestyles and household structures." 1. Lot size and unit size do not fit the project. Intensification level of this project is out of character with the area.

2. The area presently has the mix of different income groups, age levels, lifestyles and household structures.
3. The proposal is not consistent with 4.4.2. & 4.4.6 in that the project is **NOT serving a specific age group and lifestyle (i.e. seniors)** Anyone can live there! The "seniors angle" is for zoning purposes only.

4.4.8. states that a "gradual transition" from low to high density should be considered and consideration given to the following criteria.
4.4.8.i Attached housing should be in close proximity to an arterial or collector road **AND** the development and redevelopment of attached housing shall be discouraged in central areas of existing single detached neighbourhoods that are homogeneous in terms of lot size, shape, mass and setbacks.
4.4.8.iii Attached housing should be dispersed rather than concentrated throughout new development areas.
4.4.8.iv Zoning By-law shall incorporate appropriate setback, coverage, and building mass regulations. The proposal does not conform to 4.4.8: 
- The project does not conform to the zoning by-law.
- The project is not reasonably located to allow gradual density increases.

4.4.10. Residential Intensification is defined as: the creation of new residential units or accommodations in existing buildings or on previously developed and/or serviced land.

This proposal is not on previously developed land nor are the services complete.

4.4.10.i.(a) Residential intensification shall be subject to the consideration of natural vegetation, building height, coverage, mass, setbacks, privacy, and overview.

The proposal has no consideration for the building height, setbacks, coverage and privacy. Does not meet RM5 Zoning requirements

This proposal does not conform to 4.4.10.i.(a)

The residential designation in the Town of Ancaster Official Plan does not contain policies on density ranges for various forms of housing. Therefore based on the foregoing, the proposal does NOT conform to the Ancaster Official Plan. **The proposal is too large for the lot.**

**New City of Hamilton Urban Official Plan (Ministry Approved)**

*** IT SHOULD BE NOTED THAT THE PLAN HAS MINISTRY APPROVAL.....HOWEVER THE PLAN HAS BEEN APPEALED TO THE ONTARIO MUNICIPAL BOARD, IN ITS ENTIRETY, AND IS THEREFORE NOT IN EFFECT!!!

B.2.4.1.4.F The proposal has to have the ability to comply with all applicable policies.

The proposal has a similar footprint to other buildings however they are on larger lots.

**Relevant Consultation:**

**Traffic Planning:** Have no concerns.... Why?
- No loading area of room for it.....seniors require frequent deliveries.
- Moving Van access and egress.
- Construction, 2 years of noise, upheaval, and congestion
- Construction parking where and how many.
- What traffic patterns are used during Waste removal in process.

**Operation and Waste Management:**
Too tight, No manuevring room. Proposal needs Private Waste Collection
This demonstrates the need for a larger parking and access route.

Forestry and Horticulture:
1 mature Blue Spruce and 6 private trees of heritage value to be removed.

All for a Parking Lot?

Hamilton Conservation Authority:
No permits required however have concerns due to the increase of impervious material storm water management and erosion control plans need to be done.

Analysis / Rational for Recommendation:

1. The proposal should not be supported for the following reasons.
   (i) Not consistent with the intent of the PPS and the Places to Grow Plan.
   (ii) Not conforming with the intent of the policies of the Hamilton - Wentworth Official Plan.
   (iii) Not conforming to the Ancaster Official Plan.
   (iv) Not conforming to the Urban Hamilton Official Plan.
   (v) Not compatible with existing development in surrounding area.

   The staff's opinion on the building mass is it it OK as long as you can't see the size from Fiddlers Green. What about the surrounding community that has to look at it every day? Staff does not live here. The fact that setbacks are greater than other existing front yards is not relevant. The proposal does not fit the lot!

   (i) Natural Vegetation:
      The tree study is not complete or accurate. The 10 White Spruce referred to on the easterly boundary firstly are not on the subject lot, nor are they White Spruce.

   (ii) Lot Frontages and Lot Areas:
      The frontage of lots is only within range if the development is smaller.

   (iii) Height:
      The height of the proposal only 1 meter higher, which is still too high for the RM5 requirement. (11.5m. / 37.77ft )
      The size of the project will have a negative impact of the area and will be visible to the surrounding properties. Gone will be the private sunsets in our yards.

   (iv) Coverage:
      Existing residential is 35% of the lot.
      Proposal is 30.3% Building and 18.6% paving and parking ramps totaling approx. 48% coverage.
(v) **Mass:**  
The proposal is not similar in mass to the apartments, they are on a larger lot.  
So it's OK with Planning as long as you can't see the building?

(vi) **Setbacks:**  
"Generally Consistent" but it is still less than the adjacent apartment building.  
The project does not fit the lot.

(vii) **Privacy:**  
The east boundary trees are not on the property.  
Balconies "Relatively Low"......is not low enough.  
Noise from the garage / parking and 24 AC units to be addressed requiring  
more fencing and or impervious material to add to the lot coverage.  
New neighbours are closer and there is no perimeter fencing for containment  
to their own property.

(viii) **Overview:**  
Balconies at 3.5m. / 11.5 ft.

**Modified RM5 Zoning (site specific) Provisions.**

**Minimum Lot Area.**  
The proposal needs approx. a 40 % reduction is minimum lot size from  
0.5hectares to 0.3047 hectares The proposal does not fit RM5 requirements.

**Maximum Density.**  
The proposal needs an approx.50% increase in density to 78.7 units per  
hectare. The apartment next door may be higher but it is not a stacked townhouse  
development.

**Minimum Lot Frontage.**  
The proposal needs an approx. 50% reduction in frontage to 29.8 meters  
rather than the required 45meters.

**Minimum Side Yards.**  
The proposal needs an approx.40% reduction in setback for the stairwell  
and approx 20% reduction for the buildings and approx. 30% reduction for the elevating  
devices.

**Yard Encroachments Balconies.**  
The proposal is still too close to the property line at 5.0 meters, also the  
height here says 3 meters above ground.?

**Minimum Rear Yard.**
The proposal needs an approx. 30% reduction in the setback requirement.

Just because it's a backyard does not mean that it is not used.
Also the addition of a risi-stone wall or fence along the east boundary would be preferable.

**Maximum Height.**

The proposal needs a approx.13% increase in height to 11.5meters / 37.77ft. This is not a minor increase.

**Minimum Planting Strip.**

The proposal needs variable planting strip reductions of approx. 50 % to 85%.

The introduction of "proposed" grass pavers in the parking areas is still mostly impervious material.....It's just as good as a Xerox.

**Minimum Number of Parking Spaces.**

The proposal needs a reduction of approx. 21 parking spaces. This is being done by touting the development as a "seniors" condominium.

**This project is not exclusively for seniors so it should be governed by the RM5 Zoning requirements. It is not a 'Deed Restricted Condominium" "Intention' should not come into play.**

**Minimum Children's Play Area.**

RM5 requires 7sq.m/unit this amounts to 168sq.m. The proposal is asking for 2.5sq.m./unit or a total of 60sq.m. an approx. 65% reduction in area.....EVEN THE PLAY AREA DOESN'T FIT!

**Separation of Buildings.**

The proposal requires an approx. 35% reduction in the distance between the buildings from 15m to 11.85m. Why quote RM6 provisions here, 35% is not slightly.

**Accessory Buildings.**

Another modification to zoning is the 0.6m. setback for the waste storage facility all due the small lot size.

**Change in Character of the Area.**

**Privacy:** Reduced setbacks, balconies, fencing, and building height remain issues and will impact surrounding properties.

**Drainage and Storm water:** Still too much lot coverage with impervious material.

**Parking:** Snow removal, salt, chemicals, storage and runoff. Insufficient spaces for all age group scenario. Handicap provisions not addressed.
Nuisance: 2 years of construction and restricted traffic patterns and the inherent parking problems.

  Noise from the parking garage and the 24 AC units.
  Lighting, need more information before site plan stage.
  Waste storage and collection, enclosed, restricted access, varmints pests etc.

Traffic: Congested on Fiddlers Green now. Try getting out in the mornings and evenings.

"Intended for retirees" is not a traffic solution.

Storm Sewer: The extension of the 525mm / 21 inch main line will be another major upheaval and inconvenience to the neighbourhood.....More traffic headaches.

Grass Pavers: Are being "considered" but not mandatory.

Conformity: Conformity to the RM5 Zoning requirements does not exist. the project needs approx 12 modifications to the zoning requirements and still the proposal does not fit the lot.

  The City will not entertain the pickup of garbage.
  The site will need Condominium Approval.
  Lack of perimeter fencing.
  Proper Tree Study and planning.
  Take into account the ability to widening Fiddlers Green Road.

I believe that after all these items are considered this proposal should not be approved as being too aggressive for the City, Ancaster and the Neighbourhood. IT JUST DOESN'T FIT.

Sincerely,

Frank Van Hullenaar
33 Douglas Road,
Ancaster, ON.
Hello Mr. Thomas,

My family live at 55 Ravina Cres. in Ancaster. Over the eleven years we’ve lived here we have watched with great sadness the destruction of traditional small homes in Ancaster be replaced with buildings that are completely out of character with the neighbourhood. This latest proposal for 121 Fiddler’s Green Road is yet another example. Please reconsider. Listen to what the community is requesting and do the right thing for the neighbourhood and not build the 12 3-storey townhouses.

Regards,

Jan and Tom Wolfe