PLANNING COMMITTEE
REPORT 14-013
9:30 am
Wednesday, September 3, 2014
Council Chambers
Hamilton City Hall
71 Main Street West

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

Also Present: Councillor T. Jackson

THE PLANNING COMMITTEE PRESENTS REPORT 14-013 AND RESPECTFULLY RECOMMENDS:

1. Update to Binbrook Sanitary and Stormwater Systems Performance/Upper Stoney Creek Stormwater Systems Performance (PED12182(c)) (Ward 9) (Item 5.1)

   That report PED12182(c), Update to Binbrook Sanitary and Stormwater Systems Performance/Upper Stoney Creek Stormwater Systems Performance, be received.

2. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 122 Dundas Street East (Flamborough) (PED14148) (Ward 15) (Item 6.3)

   (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-14-008 by 2366206 Ontario Inc., c/o Raymond Zenkovich, (Owners), to establish a Site Specific Policy Area with regard to the minimum density for block townhouses, for lands located at 122 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED14148, on the following basis:

Council – September 10, 2014
(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14148, be adopted by City Council.

(b) That approval be given to Zoning By-law Application ZAC-13-053 by 2366206 Ontario Inc., c/o Raymond Zenkovich, (Owners), for a change in zoning from the Urban Development “UD” Zone to the Medium Density Residential “R6-36” Zone, Modified, in order to permit block townhouses, for lands located at 122 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED14148, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14148, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Section 11 of Zoning By-law No. 90-45-Z as “R6-36”;

(iii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. 42.

3. City Initiative 14-D - Modification in Zoning - 116 Campbell Avenue (PED14159) (Ward 4) (Item 6.4)

That approval be given to City Initiative 14-D, for a modification to the “G-3” (Public Parking Lot) District, to permit an open air market (Ottawa Street Farmers’ Market) on lands located at 116 Campbell Avenue, as shown on the attached map marked as Appendix “A”, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED14159, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the proposed change in zoning conforms to the Urban Hamilton Official Plan (UHOP).

4. Application to Amend the Urban Hamilton Official Plan for Lands Located at 899 Nebo Road (Glanbrook) (PED14172) (Ward 11) (Item 6.5)

That Urban Hamilton Official Plan Amendment Application UHOPA-14-003 (as amended) by Nebo Group (2006) Inc., (Owner), to establish a site-specific special policy area to permit a hazardous waste transfer facility, for lands located at 899 Nebo Road (Glanbrook), as shown on Appendix “A” to Report PED13106, be denied on the following basis:
(a) That the application is not consistent with the Provincial Policy Statement, as per Policy 1.1.1, in that the proposed facility does not provide for a healthy, livable, and safe community, and is a land use pattern that may cause environmental or public health and safety concerns; and Policy 1.2.6.1, as the major facility (a waste management system) and the sensitive land uses have not been appropriately designed, buffered, and/or separated from each other to prevent potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety;

(b) That the application conflicts with Policy 2.2.6(b) of Places to Grow, in that due to surrounding existing land uses, and the potential for health and safety concerns, the proposed site is not suitable for a Hazardous Waste Transfer Facility;

(c) That the application conflicts with Policy E.5.1.5 of Volume 1 of the Urban Hamilton Official Plan, as it does not minimize land use conflicts between heavy industrial uses and sensitive land uses, nor Policy E.5.2.7.1(b) of Volume 1, Policy E.5.3.6 to Policy E.5.3.8, inclusive, and Policy E.5.4 of Volume 1, as it has not been demonstrated that the proposed use is appropriate for, or compatible with, the existing land uses, nor demonstrated appropriate mitigation of the potential adverse impacts;

(d) The approval of this application would encourage other similar applications if approved, and would not be in keeping with the intent and purpose of the core "Industrial" zoned employment lands of the Red Hill Industrial Business Park South while undermining the hierarchical structure of the new Industrial Zoning in Zoning By-law No. 05-200 and the planned function of the Business Park.

5. Application for a Condominium Conversion for Lands Known as 155 Charlton Avenue East (Hamilton) (PED14179) (Ward 2) (Item 6.6)

That approval be given to Condominium Conversion Application CDM-CONV-12-04, by 155 Charlton Avenue East (Hamilton) Limited, Owner, to establish a Draft Plan of Condominium for the existing apartment building, consisting of 35 dwelling units, located at 155 Charlton Avenue East (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED14179, subject to the following:

(a) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated September 27, 2012, showing a total of 35 residential apartment units, 22 resident vehicular
parking spaces, and two visitor vehicular parking spaces, attached as Appendix “B” to Report PED14179;

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

(i) That the Final Plan of Condominium must comply with all applicable provisions of Hamilton Zoning By-law No. 6593;

(ii) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton;

(iii) That the owner shall submit a report, in accordance with Section 9 (4) of The Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration;

(iv) That the owner shall include the following warning clauses in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

(a) Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria;

(b) Purchaser/tenants are advised that there is insufficient parking onsite to provide a parking space for each unit (22 parking spaces for a total of 35 units). Parking in the surrounding neighbourhood is highly restricted and on-street parking permits and time limit exemption permits are not available for multi-tenant buildings;

(v) That the owner shall provide the Manager of Design and Construction, Growth Management, with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication services 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;
(vi) That the owner comply with Canada Post’s multi-unit policy to the satisfaction of Canada Post, which requires that the owner/developer provide the centralized mail facility at their own expense, which will be in effect for the buildings and complexes with a common lobby, common indoor or sheltered space; and,

(vii) That the owner remove the existing parking space within the City Boulevard and provide appropriate curbing and landscaping, and that the applicant provide appropriate evidence that the parking space has been removed and appropriate landscaping and curbing be established, and that owner demonstrate that this has been undertaken to the satisfaction of the Manager of Development Planning, Heritage and Design.

6. Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200 (PED14194) (City Wide) (Item 6.7)

(a) That approval be given to City Initiative CI-14-A for Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200;

(b) That the attached draft By-law, marked as Appendix “A” to Report PED14194, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(c) That the changes proposed to the By-law, in Appendix “A” to Report PED14194, are minor in nature and may be made after holding a public meeting on September 3, 2014, and that Council determines that no further notice is required prior to the passing of the proposed By-law, pursuant to Section (34)17 of the Planning Act;

7. Hamilton Municipal Heritage Committee Report 14-009 (Item 8.1)

Heritage Permit Application HP2014-034, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 880 Beach Boulevard, Hamilton (PED14190) (Attached as Appendix A) (Item 8.1)

That Heritage Permit Application HP2014-034 be approved for the erection of a new single-detached dwelling, with an attached garage, on the designated property at 880 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), as shown in Appendix “A” to Report PED14190, subject to the submission of a completed Site Plan and the following conditions:

(a) That the specifications for the proposed windows, front garage door, porch, railings, soffits, eaves and downspouts shall be submitted, to the
satisfaction and approval of the Director of Planning, prior to submission as part of any application for a Building Permit;

(b) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas, shall be submitted, to the satisfaction and approval of the Director of Planning, in accordance with the Site Plan Approval process and prior to installation;

(c) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of the Director of Planning, prior to installation;

(d) That a plan depicting the removed, retained and any new trees, of a minimum caliper of 55 mm and of a species consistent with the City of Hamilton’s Tree Species and Recommended Index, shall be submitted, to the satisfaction and approval of the Director of Planning, prior to planting;

(e) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning, prior to submission as part of any application for a Building Permit; and,

(f) That construction and site alterations, in accordance with this approval, shall be completed no later than October 31, 2016. If the construction and site alterations are not completed by October 31, 2016, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

8. Application to Amend Ministry of the Environment Environmental Compliance Approval for Lands Located at 350 Jones Road, Stoney Creek (PED14174) (Ward 11) (Item 8.2)

That the Environmental Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that the City of Hamilton recommends that the Ministry DENY Application MOE-CA-13-001, by 958160 Ontario Limited (Da-Lee Waste Oil Services), Applicant, for an Amendment to Environmental Compliance Approval No. A130407, MOE Reference#9155-9CXXKQH, to increase the service area to include Michigan and New York, and the amount of receiving waste, for the lands located at 350 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED14174, on the following premises:

(a) That the application cannot be supported until such time as the proponent has demonstrated to the City's satisfaction that all obligations under the
current ECA have been met and complied with;

(b) That 1 Odor unit limit at the property line be added to the list of ECA obligations;

(c) That this motion be forwarded to the Environmental Approvals Branch of the Ontario Ministry of Environment (MOE).

9. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-14:47 by Giuseppe DiCienzo (Owner), for Lands Located at 5775 Twenty Road East (Glanbrook) (PED14171) (Ward 11) (Item 8.3)

(a) That staff be directed to withdraw the appeal letter filed by staff against the decision of the Committee of Adjustment to the OMB;

(b) That Report PED14171, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-14:47 by Giuseppe DiCienzo (Owner), for Lands Located at 5775 Twenty Road East (Glanbrook), be received.

10. Municipal Heritage Committee Report 14-005, Item 3 - Policy and Design Sub-Committee Report – April 9, 2014 (Item 9.1)

Heritage Impact Assessment (HIA/Archaeological Assessments for Lafarge Quarry Expansion)

(a) That the Policy and Design Sub-committee comments be provided to the proponent and staff, and that the Heritage Impact Assessment be amended as appropriate;

(b) That 565 Moxley Road be added to the Municipal Register.

11. Lot Severances in Rural Cross Section Neighbourhoods (Item 9.2)

Whereas most of old Ancaster has rural cross section with open ditches for drainage rather than storm sewers; and

Whereas most lots in old Ancaster were large to accommodate septic systems before sanitary sewers were installed in the 1970's; and

Whereas there has been a significant change in heavy rain events in recent years; and
Whereas there have been a number of applications to split lots by severance; resulting in an increase in water run off, as pervious surfaces are being covered with additional driveways and roofs, resulting in the faster run off of rain; and

Whereas downstream properties have been at significant risk as overland ditches from storm drainage increases, resulting from this additional run off; and

Whereas the study as directed on September 16, 2013 Public Work Committee (g) MOTIONS (Item 9) (i) to “determine if future requests for lot severances, in the developed communities of old Ancaster, that do not have storm sewers should not be permitted, due to potential downstream flooding, and report to the Public Works Committee” will not be presented to Public Works Committee until the first quarter of 2015;

THEREFORE BE IT RESOLVED:

That, at a hearing by the Committee of Adjustment on a lot severance application in all rural cross section neighbourhoods in urban Ancaster, staff be directed to request that a decision on the application be deferred until the Assessment of Development Intensification in Rural Drainage Neighbourhoods Study, is completed by Public Works staff.

12. Cormorant Road Extension Update (PED14222) (Ward 12) (Item 12.1)

(a) That staff be directed to take over and complete the Environmental Assessment for the Cormorant Road Extension westerly to Trinity Road along with related Stormwater Management Pond facility utilizing the current consultants (MTE Consultants Ltd. and A. J. Clarke and Associates) to an upset limit of $100,000 to be funded from Project Account Number 3620507100;

(b) That staff be directed to have dedicated or acquire property necessary for the 26 metre road allowance for the Cormorant Road extension and the related Stormwater Management Pond facility;

(c) That staff be directed to proceed with Detailed Design and construction of the Cormorant Road Extension westerly to Trinity Road along with related Stormwater Management Pond facility as soon as possible as time is of the essence.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

   4.3. Delegation Request from Rev. Ronda Ploughman respecting item 8.1, Hamilton Municipal Heritage Committee Report 14-009

   4.4. Delegation Request from Janice Brown respecting City Square Phase 3 (to speak to item 6.2 on today’s agenda)

2. PUBLIC HEARING ITEMS

   6.4. City Initiative 14-D - Modification in Zoning - 116 Campbell Avenue (PED14159) (Ward 4)

      (i) Correspondence from John Douglas

   6.5. Application to Amend the Urban Hamilton Official Plan for Lands Located at 899 Nebo Road (Glanbrook) (PED14172) (Ward 11)

      (i) Correspondence from Maple Leaf Foods Inc.

3. NOTICES OF MOTION

   10.1. Lot Severances in Rural Cross Section Neighbourhoods

The Agenda for the September 3, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

   (i) August 12, 2014

   The Minutes of the August 12, 2014 Planning Committee meeting were approved.
Jason Thorne, General Manager, recognized the work of the building department for their efforts at the stadium.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Sergio Manchia and/or Matt Johnston, IBI Group, respecting Minor Variance Application No. GL/B-1447 (Item 4.1)

The delegation request from Sergio Manchia and/or Matt Johnston, IBI Group, respecting Minor Variance Application No. GL/B-1447, was approved for today’s meeting.

(ii) Delegation Request from Paul Bernier and/or David Varghese respecting Medical Marihuana (Item 4.2)

The delegation request from Paul Bernier and/or David Varghese respecting Medical Marihuana, was approved for a future meeting.

(iii) Delegation Request from Rev. Ronda Ploughman respecting item 8.1, Hamilton Municipal Heritage Committee Report 14-009 (Item 4.3)

The delegation Request from Rev. Ronda Ploughman respecting item 8.1, Hamilton Municipal Heritage Committee Report 14-009, was approved for today’s meeting.

(iv) Delegation Request from Janice Brown respecting City Square Phase 3 (Item 4.4)

The delegation request from Janice Brown respecting City Square Phase 3, was approved for today’s meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Gail McGinnis, Kit Cat Club, respecting Hamilton Animal Control (approved on June 17, 2014) (Item 6.1)

Gail McGinnis was not in attendance.
(ii) Delegation from Jeff Paikin and/or Caroline Baker respecting City Square Phase 3 (approved August 12, 2014) (Item 6.2)

Glenn Scheels and Jeff Paikin provided an overview of their requests regarding the Downtown CIPA boundary, development charges, and parkland dedication fees with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The delegation was received.

Janice Brown provided an overview of her requests regarding the development and parkland options with the aid of speaking notes. A copy of the notes has been included in the public record.

The delegation was received.

This item was referred to staff for a report on a sliding scale for development charges and on analyzing an exponential increase to parkland as density increases, to come back to Planning Committee.

The motion CARRIED, on the following vote:

Yeas: C. Collins, J. Partridge, J. Farr, R. Pasuta, L. Ferguson, M. Pearson
Total: 6
Nays: B. Johnson, B. Clark
Total: 2
Absent: T. Whitehead
Total: 1

(iii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 122 Dundas Street East (Flamborough) (PED14148) (Ward 15) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Johnson 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 proposed official plan and zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
No public speakers came forward.

The staff presentation respecting Report PED14148, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 122 Dundas Street East, was waived.

The public meeting respecting Report PED14148, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 122 Dundas Street East, was closed.

For disposition on this Item, refer to item 2.

(iv) City Initiative 14-D - Modification in Zoning - 116 Campbell Avenue (PED14159) (Ward 4) (Item 6.4)

(i) Correspondence from John Douglas

In accordance with the provision of the Planning Act, Chair B. Johnson 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 city initiative, 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 PED14159, City Initiative 14-D - Modification in Zoning - 116 Campbell Avenue, was closed.

The staff presentation respecting Report PED14159, City Initiative 14-D - Modification in Zoning - 116 Campbell Avenue, was waived.

The correspondence respecting Report PED14159, City Initiative 14-D - Modification in Zoning - 116 Campbell Avenue, was received.

For disposition on this Item, refer to item 3.
Application to Amend the Urban Hamilton Official Plan for Lands Located at 899 Nebo Road (Glanbrook) (PED14172) (Ward 11) (Item 6.5)

Correspondence from Maple Leaf Foods Inc.

In accordance with the provision of the Planning Act, Chair B. Johnson 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 Urban Hamilton Official 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 PED14172, Application to Amend the Urban Hamilton Official Plan for Lands Located at 899 Nebo Road (Glanbrook), was closed.

The correspondence respecting Report PED14172, Application to Amend the Urban Hamilton Official Plan for Lands Located at 899 Nebo Road (Glanbrook), was received.

The staff presentation respecting Report PED14172, Application to Amend the Urban Hamilton Official Plan for Lands Located at 899 Nebo Road (Glanbrook), was waived.

For disposition on this Item, refer to item 4.

Application for a Condominium Conversion for Lands Known as 155 Charlton Avenue East (Hamilton) (PED14179) (Ward 2) (Item 6.6)

In accordance with the provision of the Planning Act, Chair B. Johnson 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 Urban Hamilton Official 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 PED14179, Application for a Condominium Conversion for Lands Known as 155 Charlton Avenue East (Hamilton), was closed.

The staff presentation respecting Report PED14179, Application for a Condominium Conversion for Lands Known as 155 Charlton Avenue East (Hamilton), was waived.

The motion CARRIED, on the following vote:

Total:  6
Nays:  T. Whitehead
Total:  1
Absent: J. Partridge, L. Ferguson
Total:  2

For disposition on this Item, refer to item 5.

(vii) **Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200 (PED14194) (City Wide) (Item 6.7)**

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

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

The staff presentation respecting Report PED14194, Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200, was received.
Public Speaker:

1. Victor Veri - 971 Highway 6 North  L8N 2Z1

Mr. Veri expressed concerns to home businesses and the agricultural issues. He also has concerns with the advertisement of this as housekeeping.

The public presentation respecting Report PED14194, Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200, was received.

The recommendations to Report PED14194, Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200, were amended by adding a new sub-section (d) to read as follows:

(d) That staff be directed report back to Planning Committee on the following recommended changes to the City of Hamilton Zoning By-law No. 05-200 and the City’s site plan guidelines where residential abuts industrial use to address:

(i) Heights and placement of fencing and berms to ensure buffering;

(ii) Lighting on industrial properties;

(iii) Types of non-reflective materials be used in building construction;

(iv) Placement of loading docks and truck traffic to avoid conflict of residential use.

For disposition on this Item, refer to item 6.

(f) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Report 14-009 (Item 8.1)

Alissa Golden, Heritage Planner, provided information respecting All Saints Church and recommended that this property not be added to the Register.

Rev. Ronda Ploughman addressed Committee advising that the desire is to not include All Saints Church on the Register of Property of Cultural Heritage Value or Interest.
The delegation respecting Hamilton Municipal Heritage Committee Report 14-009, was received.

The recommendations contained in Hamilton Municipal Heritage Committee Report 14-009, Item 2, Implementation of the Recommendations of the Downtown Built Heritage Inventory Project (PED14191), were amended by deleting recommendation (d) as follows:

(d) That All Saints Church, 15 Queen Street South, be added to the Register of Property of Cultural Heritage Value or Interest.

Recommendations 2(a), (b) and (c), as amended, contained in Hamilton Municipal Heritage Committee Report 14-009, Item 2, Implementation of the Recommendations of the Downtown Built Heritage Inventory Project (PED14191), were referred back to staff for further clarity to come back to the September 16, 2014 meeting of the Planning Committee:

“2. Implementation of the Recommendations of the Downtown Built Heritage Inventory Project (PED14191) (Attached as Appendix B) (Item 8.2)

(a) That Council direct staff to include the properties listed in Appendix “A” of Report PED14191 in the Register of Property of Cultural Heritage Value or Interest as non-designated properties;

(b) That Council direct staff to add the properties listed in Appendix “B” of Report PED14191 to staff’s work program for designation, as per the attached Appendix “C” of Report PED14191;

(c) That Council direct staff to prepare a Capital Budget Submission to address the work program for designation, as per the attached Appendix “C” of Report PED14191, to be brought forward in the 2015 Budget deliberations.”

(ii) Application to Amend Ministry of the Environment Environmental Compliance Approval for Lands Located at 350 Jones Road, Stoney Creek (PED14174) (Ward 11) (Item 8.2)

Luisa Hermes and Talis Forstmanis, consultants for Da-Lee, spoke to the concerns of the Committee.

The presentation was received.
The recommendations contained in Report PED14174, Application to Amend Ministry of the Environment Environmental Compliance Approval for Lands Located at 350 Jones Road, Stoney Creek, were amended to read as follows:

That the Environmental Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that the City of Hamilton recommends that the Ministry DENY Application MOE-CA-13-001, by 958160 Ontario Limited (Da-Lee Waste Oil Services), Applicant, for an Amendment to Environmental Compliance Approval No. A130407, MOE Reference#9155-9CXKQH, to increase the service area to include Michigan and New York, and the amount of receiving waste, for the lands located at 350 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED14174, on the following premises:

(a) That the application cannot be supported until such time as the proponent has demonstrated to the City’s satisfaction that all obligations under the current ECA have been met and complied with;

(b) That 1 Odor unit limit at the property line be added to the list of ECA obligations;

(c) That this motion be forwarded to the Environmental Approvals Branch of the Ontario Ministry of Environment (MOE).

For disposition on this Item, refer to item 8.

(iii) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-14:47 by Giuseppe DiCienzo (Owner), for Lands Located at 5775 Twenty Road East (Glanbrook) (PED14171) (Ward 11) (Item 8.3)

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

The staff presentation respecting Report PED14171, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-14:47 by Giuseppe DiCienzo (Owner), for Lands Located at 5775 Twenty Road East (Glanbrook), was received.

Matt Johnson, agent, IBI Group, provided information respecting the application with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.
The agent’s presentation respecting Report PED14171, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-14:47 by Giuseppe DiCienzo (Owner), for Lands Located at 5775 Twenty Road East (Glanbrook), was received.

The recommendations contained in Report PED14171, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-14:47 by Giuseppe DiCienzo (Owner), for Lands Located at 5775 Twenty Road East (Glanbrook), were deleted and replaced with the following recommendations:

(a) That staff be directed to withdraw the appeal letter filed by staff against the decision of the Committee of Adjustment to the OMB;

(b) That Report PED14171, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-14:47 by Giuseppe DiCienzo (Owner), for Lands Located at 5775 Twenty Road East (Glanbrook), be received.

For disposition on this Item, refer to item 9.

(g) MOTIONS (Item 9)

(i) Municipal Heritage Committee Report 14-005, Item 3 - Policy and Design Sub-Committee Report – April 9, 2014 (referred back to staff at Planning Committee on July 8, 2014) (Item 9.1)

Heritage Impact Assessment (HIA/Archaeological Assessments for Lafarge Quarry Expansion)

(a) That the Policy and Design Sub-committee comments be provided to the proponent and staff, and that the Heritage Impact Assessment be amended as appropriate;

(b) That 565 Moxley Road be added to the Municipal Register.

For disposition on this Item, refer to item 10.

(ii) Lot Severances in Rural Cross Section Neighbourhoods (Item 9.2)

Whereas most of old Ancaster has rural cross section with open ditches for drainage rather than storm sewers; and
Whereas most lots in old Ancaster were large to accommodate septic systems before sanitary sewers were installed in the 1970's; and

Whereas there has been a significant change in heavy rain events in recent years; and

Whereas there have been a number of applications to split lots by severance; resulting in an increase in water run off, as pervious surfaces are being covered with additional driveways and roofs, resulting in the faster run off of rain; and

Whereas downstream properties have been at significant risk as overland ditches from storm drainage increases, resulting from this additional run off; and

Whereas the study as directed on September 16, 2013 Public Work Committee (g) MOTIONS (Item 9) (i) to “determine if future requests for lot severances, in the developed communities of old Ancaster, that do not have storm sewers should not be permitted, due to potential downstream flooding, and report to the Public Works Committee” will not be presented to Public Works Committee until the first quarter of 2015;

THEREFORE BE IT RESOLVED:

That approval of lot severances in all rural cross section neighborhoods in Ancaster, be deferred until the Assessment of Development Intensification in Rural Drainage Neighbourhoods Study, being completed by Public Works staff, is complete.

Planning Committee moved in to closed session at 2:09 p.m. to consider item 9.2, Lot Severances in Rural Cross Section Neighbourhoods, which is subject to Section 239.2 (f) of the Municipal Act and Section 8.1 (f) of the Procedural By-law as the matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Reconvene in open session at 2:31 p.m.

The motion was amended to read as follows:

That, at a hearing by the Committee of Adjustment on a lot severance application in all rural cross section neighbourhoods in urban Ancaster, staff be directed to request that a decision on the application be
deferred until the Assessment of Development Intensification in Rural Drainage Neighbourhoods Study, is completed by Public Works staff.

For disposition on this Item, refer to item 11.

(h) NOTICES OF MOTION (Item 10)

Councillor Ferguson introduced the following Notice of Motion:

(i) **Lot Severances in Rural Cross Section Neighbourhoods**

Whereas most of old Ancaster has rural cross section with open ditches for drainage rather than storm sewers; and

Whereas most lots in old Ancaster were large to accommodate septic systems before sanitary sewers were installed in the 1970's; and

Whereas there has been a significant change in heavy rain events in recent years; and

Whereas there have been a number of applications to split lots by severance; resulting in an increase in water run off, as pervious surfaces are being covered with additional driveways and roofs, resulting in the faster run off of rain; and

Whereas downstream properties have been at significant risk as overland ditches from storm drainage increases, resulting from this additional run off; and

Whereas the study as directed on September 16, 2013 Public Work Committee (g) MOTIONS (Item 9) (i) to “determine if future requests for lot severances, in the developed communities of old Ancaster, that do not have storm sewers should not be permitted, due to potential downstream flooding, and report to the Public Works Committee” will not be presented to Public Works Committee until the first quarter of 2015;

THEREFORE BE IT RESOLVED:

That approval of lot severances in all rural cross section neighborhoods in Ancaster, be deferred until the Assessment of Development Intensification in Rural Drainage Neighbourhoods Study, being completed by Public Works staff, is complete.
The rules were waived in order to allow the introduction of a motion respecting Lot Severances in Rural Cross Section Neighbourhoods.

For disposition on this Item, refer to item 11.

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

Jason Throne, General Manager Planning and Economic Development, advised that the September 16 and 19 Planning Committee agendas would be released on September 11 to the public and advised that two reports, Tiffany-Barton, and James St. N. mobility, would be released early with the consent of Committee.

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Cormorant Road Extension Update (PED14222) (Ward 12) (Item 12.1)

Pursuant to Sub-section 8.1(c) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to a proposed or pending acquisition of disposition of land for City purposes.

Recommendation (a) to Report PED14222, Cormorant Road Extension Update, was amended by deleting the words, “to an estimated cost of $65,000”, and replacing with the words, “to an upset limit of $100,000”

For disposition on this Item, refer to item 12.

(k) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:40 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk