PLANNING COMMITTEE
MINUTES 13-011
9:30 am
Tuesday, July 9, 2013
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Councillor T. Whitehead
Councillor R. Pasuta

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THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Housekeeping Amendments to the Demolition Control Area By-law (PED09258(a)) (City Wide) (Item 5.1)

   (Collins/Pearson)
   (a) That approval be given to amend the Demolition Control Area By-law 09-208 to include an additional item to the list of “routine applications” under the delegation of authority provisions, for residential properties, within the boundary limits of the City of Hamilton;

   (b) That the By-law attached as Appendix ‘A’ to Report PED09258(a), being a By-law to amend the Demolition Control Area By-law, be approved.

   CARRIED
2. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster) (PED13104) (Ward 12) (Item 5.2)

(Ferguson/Clark)
That Report PED13104, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West, be received.

CARRIED

3. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 1117 Garner Road East (Ancaster) (PED13113) (Ward 12) (Item 5.3)

(Collins/Pearson)
That Report PED13113, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 1117 Garner Road East, be received.

CARRIED

4. Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) (Item 5.4)

(Ferguson/Collins)
That Legal Services be directed to attend the Ontario Municipal Board Hearing, in support of the Committee of Adjustment’s decision with respect to Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster), and to retain outside professionals.

CARRIED

5. Swimming Pool Enclosure By-law (PED13126) (City Wide) (Outstanding Business List Item) (Item 5.6)

(Collins/Pearson)
That Report PED13126, Swimming Pool Enclosure By-law, be received.

CARRIED
6. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 85 Barlake Avenue (Hamilton) (Ward 5) (PED13091) (Item 6.4)

(Collins/Pearson)
That approval be given to Condominium Conversion Application CDM-CONV-12-05, by 85-95 Barlake Avenue Holdings, Owner, to establish a Draft Plan of Condominium for 118 existing apartment units and 182 parking space units, located at 85 Barlake Avenue (Hamilton), as shown on Appendix “A” to Report PED13091, subject to the following conditions:

(a) That this approval apply to the plan prepared by A.T. McLaren Limited, and certified by S. D. McLaren, O.L.S., dated March 19, 2013, showing a total of 118 residential dwelling units and 182 parking space units, attached as Appendix “B” to Report PED13091;

(b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 6593;

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

(d) That the owner shall submit a report, in accordance with Section 9(4) of the Ontario 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;

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

“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.”

CARRIED
7. Application for Approval of a Draft Plan of Condominium (Common Elements), by 1536708 Ontario Inc., for Lands Known as 9 Hampton Brook Way (Glanbrook) (PED13116) (Ward 11) (Item 6.5)

(Johnson/Pearson)
That approval be given to Draft Plan of Condominium Application 25CDM-201214, by 1536708 Ontario Inc., Owner, to establish a Draft Plan of Condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, landscaped areas, and open space, for 65 freehold townhouse dwellings, on lands located at 9 Hampton Brook Way (Glanbrook), as shown on Appendix “A” to Report PED13116, subject to the following conditions:

(a) That this approval shall apply to the plan, prepared by Barich Grenkie Surveying Limited, and certified by Edward J. Grenkie, dated December 20, 2012, showing a common element road, visitor parking areas, landscaped areas, and open space, attached as Appendix “B” to Report PED13116;

(b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 464, as amended by By-law No. 06-303 and Minor Variance GL/A-12:257;

(c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-12-182), to the satisfaction of the Director of Planning;

(d) That Site Plan Application DA-12-182 shall be final approved, including clearance of all conditions of approval, to the satisfaction of the Director of Planning;

(e) That the owner shall receive final approval of Part Lot Control Application PLC-12-043, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning;

(f) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;

(g) That the owner shall include the following warning clauses in the Development Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:
(i) “Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

(ii) “Purchasers/tenants are advised that garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner/tenant to ensure that their parking needs (including those of visitors) can be accommodated on site. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.”

(h) That the owner shall include the following warning clauses in the Development Agreement, Condominium Agreement, and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy for Units 46-65:

(i) “Purchasers/tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling unit occupants, as the sound levels exceed the Town’s and the Ministry of the Environment’s noise criteria.”

(ii) “This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices, and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

(i) That the owner shall agree to include in all offers of purchase and sale, a statement that advises the purchaser:

(i) That the home/business mail delivery will be from a designated Centralized Mail Box;

(ii) That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.
(j) That the owner shall agree to:

(i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;

(ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes;

(iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase;

(iv) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific Centralized Mail Facility locations.

(k) That the owner shall provide the Manager of 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;

(l) That the owner/developer shall provide to Union Gas Limited, the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited;

(m) That, prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document to ensure that the owner is committed to establish a drainage easement, in favour of the Condominium Corporation, over the front and rear yards of the units within the plan of condominium;

(n) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

CARRIED
8. Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek) (PED13117) (Ward 11) (Item 6.6)  

(Johnson/Collins)  

(a) That approval be given to Zoning By-law Application ZAC-11-080, by Village Estate Group, c/o Janusz Pawlikowski (Owner), for changes in zoning from the Rural Residential “RR” Zone to the Single Residential “R2-62” Zone, with a Special Exception (Block “1”), and the Conservation/Hazard Land (P5) Zone (Block “2”) in order to permit the development of 20 lots for single detached dwellings, in accordance with a proposed Draft Plan of Subdivision and Condominium, “Waves” (25T-201110 and 25CDM-201116), for lands located at 528 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED13117, on the following basis:  

(i) That the draft By-laws, attached as Appendices “B” and “C” to Report PED13117, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;  

(ii) That the amending By-law, attached as Appendix “B” to Report PED13117, be added to Map No. “2” of former City of Stoney Creek Zoning By-law No. 3692-92;  

(iii) That the amending By-law, attached as Appendix “C” to Report PED13117, be added to Map Nos. 1101 and 1150 of Schedule “A” of City of Hamilton Zoning By-law No. 05-200;  

(iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.  

(v) That Section 2 of the amending By-law, attached as Appendix "B" to Report PED13117 be amended to add a new subsection 2.(f) and 2.(g) to read as follows:  

2.(f) Lots 10, 11 & 20 be restricted to 2 1/2 storeys or 11 metres  

2.(g) Lots 6, 7, 8 & 9 be restricted to 2 storeys or 9 metres  

(b) That approval be given to Draft Plan of Subdivision Application 25T-201110, by Village Estate Group, c/o Janusz Pawlikowski (Owner), to establish a Draft Plan of Subdivision, known as “Waves”, on lands located at 528 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED13117, subject to the following conditions:
(i) That this approval apply to “Waves”, 25T-201110, prepared by IBI Group, and certified by Edward J. Grenkie, OLS, dated December 8, 2011, showing 20 lots for single detached dwellings and shoreline open space (Lots 1-20), 1 block for a Common Element Condominium roadway, entrance feature, landscape features and tree protection area (Block 21), and 1 block for a Common Element Condominium landscaping feature (Block 22), attached as Appendix “D” to Report PED13117, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED13117;

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, and will be calculated in accordance with the City’s Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each Building Permit at a parkland dedication ratio of 5%;

It should also be noted that landscaping features proposed at the terminus of Jones Road on municipal lands, as per Condition No. 15 on Appendix “E”, shall not be considered as a contribution towards the required Parkland Dedication requirement noted above;

(iii) Acknowledgement that there will be no City share for any municipal works associated with this development;

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(c) That approval be given to Draft Plan of Condominium Application 25CDM-201116, by Village Estate Group, c/o Janusz Pawlowski (Owner), to establish a draft plan of condominium (Common Elements Condominium) known as “Waves”, on lands located at 528 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED13117, subject to the following conditions:

(i) That this approval apply to “Waves”, 25CDM-201116, prepared by IBI Group, and certified by Edward J. Grenkie, OLS, dated December 8, 2011, showing two Common Element Condominium blocks (Blocks 21 and 22). Block “21” is for a Common Element Condominium roadway, entrance feature, landscape features and tree protection area, and Block “22” is for a Common Element Condominium landscaping feature, attached as Appendix “F” to Report PED13117;
(ii) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No’s. 3692-92 and 05-200, as amended;

(iii) That the owner shall apply for and receive final approval of a Site Plan Control Application, and that the final plan of condominium shall comply, in all respects, with said final approved Site Plan, to the satisfaction of the Director of Planning;

(iv) That the owner shall register Draft Plan of Subdivision 25T-201110, “Waves”, to the satisfaction of the Director of Planning;

(v) That the owner shall include the following warning clause in the Condominium Approval Agreement and Condominium Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

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

2. The portion of the rear of Lots 1-6 abutting Lake Ontario, zoned Conservation/Hazard Land (P5) Zone, constitutes a shoreline protection/erosion control area, and shall not be used for any buildings, structures, or swimming pools, and no changes to grading shall be permitted.

(vi) That the owner shall agree to include on all offers of purchase and sale, a statement that advises the purchaser:

1. That the home/business mail delivery will be from a designated Centralized Mail Box;

2. That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(vii) That the owner shall agree to:

1. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;

2. Install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of
Planning Committee  July 9, 2013
Minutes 13-011  Page 10 of 25

Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes;

(3) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase;

(4) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific Centralized Mail Facility locations.

(viii) That the owner shall provide the Manager of 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;

(ix) That the owner/developer shall provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited;

(x) That the Condominium Agreement shall contain wording noting the requirement that the Condominium Corporation is responsible for maintaining the shoreline improvements as approved by the Ministry of Natural Resources through Permit SLT 694, including maintenance of the access maintenance easement, to the satisfaction of the Director of Planning;

(xi) That prior to registration, the owner shall agree to establish an appropriate easement, in favour of the future Condominium Corporation, to allow access to the shoreline improvements over the rear of the single detached dwellings that are tied parcels to the Common Element Condominium, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority;

(xii) That the Plan of Condominium be revised to incorporate the required 4.57m by 4.57m daylight triangle at the intersection of
Jones Road and Copes Lane, to the satisfaction of the Senior Director of Growth Management;

(xiii) That the owner shall agree to choose a street name from the Stoney Creek pre-approved street names list or submit a name for approval, prior to registration, to the satisfaction of the Director of Planning;

(xiv) That the owner/applicant shall agree to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning;

(xv) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(xvi) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

(d) That approval be given to Urban Hamilton Official Plan Amendment No. to amend Schedule B - Natural Heritage System to delete the “Linkages” designation from the subject lands, attached as Appendix “G” to Report PED13117; to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 528 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED13117;

(e) That upon finalization of the implementing By-law, that the portion of the subject lands within the Trillium Neighbourhood Plan that are designated “Water Treatment Pond” shall be redesignated to “Low Density Residential”.

(f) That Planning staff ensure that the site plan building elevations for Lots 6, 7, 8 and 9 be in substantial conformity with the building elevations presented at Planning Committee to ensure that the dwellings have a flat roof;

(g) That staff ensure that the Ward Councillor is consulted with as part of the Site Plan Approval Process.

CARRIED
9. “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12) (Tabled from June 18, 2013) (Item 8.1)

(Ferguson/Collins)

(a) That approval be given to Zoning Application ZAC-12-026, by Paletta International Corporation, Owner, for changes in zoning from the Residential “R5-618” Zone Modified, (Block “1”), and from the Residential Multiple “RM2-615” Zone, Modified (Block “2”), to the Residential “R5-525” Zone, Modified, to permit a total of 40 single-detached lots, on lands located within the “Ancaster Meadows - Phase 2” approved Draft Plan of Subdivision, located at 1061 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED13105, on the following basis:

(i) That the Draft By-law, attached as Appendix “B” to Report PED13105, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the amending By-law be added to Schedule “A” of Zoning By-law No. 87-57;

(iii) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan;

(iv) That the proposed changes in Zoning are in conformity with the Town of Ancaster Official Plan and Ancaster Meadowlands Neighbourhood IV Secondary Plan.

(b) That approval be given to Revised Subdivision Application 25T-200601, by Paletta Corporation International, Owner, to establish a draft plan of subdivision (“Ancaster Meadows - Phase 2”) on lands located at 1061 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED13105, subject to the following conditions:

(i) That this approval apply to the Revised Draft Plan of Subdivision, 25T-200601, prepared by Metropolitan Consulting Inc., and certified by Wayne Pearce, Pearce Surveying Inc., dated September 13, 2012, showing 17 blocks for 208 single-detached lots (Blocks 15-26 and 27-31); 1 block for 24 semi-detached dwelling units (Block 32); 2 blocks for 70 street townhouse units on “window roads” (Blocks 1 and 7); 11 blocks for 147 street townhouses on public streets (Blocks 2-5 and 8-14); 1 block for a stormwater outlet (Block 33); 1 block for an access to a stormwater management pond (Block 37); 1 block for a drainage easement (Block 36); 2 blocks to be merged with adjacent lands (Blocks 34 and 35); and 5 blocks for 0.3m
reserves for future road connections (Blocks “DD”, “EE”, “FF”, “GG”, and “HH”), attached as Appendix “C” to Report PED13105, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the revised special conditions attached as Appendix “G”;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item:

(1) That the City agrees to pay for the installation of chainlink fences adjacent to the Stormwater Management Blocks that abut the subject lands;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the Building Permit stage. Payment of Cash-in-Lieu of Parkland will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a maximum rate of 5% for single detached and semi-detached dwellings, and 1 hectare for each 300 dwelling units proposed for multiple dwellings. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each Building Permit, and in the case of multiple residential blocks, prior to the issuance of the first Building Permit. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of parkland from the registration of the “Ancaster Meadows - Phase 1” Draft Plan of Subdivision (25T-200405).

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(c) That the following be added as a new condition to the subdivision agreement referenced as Appendix “G” to Report PED13105:

“That the registration of the final plan shall not take place until an implementation agreement has been reached with the adjacent land owner regarding servicing and storm water management and to the satisfaction of the Senior Director of Growth Management.”

CARRIED
FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

4.2 Delegation Request from Clint Davis respecting Item 5.4, Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) for today’s meeting

4.3 Delegation Request from Anthony DiCenzo respecting Item 5.2, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster) (PED13104) (Ward 12), for today’s meeting

4.4 Delegation Request from Scott Snider respecting item 8.1, “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12), for today’s meeting (no copy)

2. PUBLIC HEARINGS AND DELEGATIONS

6.6 Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek) (PED13117) (Ward 11)

(ii) Correspondence from Leah Schwenger
(iii) Correspondence from Nancy Schwenger
(iv) Correspondence from Jane Schwenger
(v) Correspondence from C. F. N. and Estelle Baxter

3. DISCUSSION ITEMS

8.1 “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12) (Tabled from June 18, 2013)
That Item 8.1 be moved to follow the consent portion of today’s agenda.

(Collins/Partridge)
That the Agenda for the July 9, 2013 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest in item 6.1, Delegation from Jagtar Singh Chahal respecting challenges in the taxi industry, as he has business interest in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) June 18, 2013

(Ferguson/Johnson)
That the Minutes of the June 18, 2013 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation from Michael Sabelli and Jim Bruzzese respecting the reduction in radius and standard for an existing temporary turning circle located on Waterberry Trail (Item 4.1)

(Ferguson/Collins)
That the delegation request from Michael Sabelli and Jim Bruzzese respecting the reduction in radius and standard for an existing temporary turning circle located on Waterberry Trail, be approved for a future meeting.

CARRIED
(ii) Delegation Request from Clint Davis respecting Item 5.4, Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) (Item 4.2)

(Ferguson/Partridge)
That the delegation request from Clint Davis respecting Item 5.4, Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12), be approved for today’s agenda.

CARRIED

(iii) Delegation Request from Anthony DiCenzo respecting Item 5.2, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster) (PED13104) (Ward 12) (Item 4.3)

(Johnson/Pearson)
That the delegation request from Anthony DiCenzo respecting Item 5.2, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster) (PED13104) (Ward 12), be approved for today’s meeting.

CARRIED

(iv) Delegation Request from Scott Snider respecting item 8.1, “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12) (no copy) (Item 4.4)

(Ferguson/Clark)
That the delegation request from Scott Snider respecting item 8.1, “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12), for today’s meeting, be DENIED.

CARRIED
(e) CONSENT ITEMS (Item 5)

(i) Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster) (PED13104) (Ward 12) (Item 5.2)

Anthony DiCenzo provided an overview of his concerns of the state of the property and would like to move forward with the application rather than go to the Ontario Municipal Board.

(Collins/Johnson)
That the presentation from Anthony DiCenzo, respecting Report PED13104, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster), be received.

CARRIED

For disposition on this Item, refer to item 2.

(ii) Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED13122) (Ward 12) (Item 5.4)

Clinton Davis expressed concerns with the decision by the Hamilton Committee of Adjustment.

(Collins/Ferguson)
That the presentation from Clinton Davis, respecting Report PED13122, Committee of Adjustment Consent Application AN/B-12:105 for the Property Known as 19 Cameron Drive (Ancaster) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment, be received.

CARRIED

For disposition on this Item, refer to item 4.
(iii) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-13:27, Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street (Hamilton) (PED13123) (Ward 8) (Item 5.5)

(Pearson/Collins)
That the rules be waived to allow Sergio Manchia to speak to Item 5.5, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-13:27, Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street (Hamilton) (PED13123) (Ward 8)

CARRIED

Sergio Manchia spoke to the decision of the Hamilton Committee of Adjustment.

(Ferguson/Pearson)
That the presentation from Sergio Manchia, respecting Report PED13123, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-13:27, Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street, be received.

CARRIED

(Clark/Ferguson)
That Report PED13123, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-13:27, Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street, be referred to the September 4, 2013 meeting of the Planning Committee.

CARRIED

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Jagtar Singh Chahal respecting challenges in the taxi industry (Item 6.1)

Jagtar Singh Chahal expressed concerns with insurance rates in the taxi industry in Hamilton and provided speaking notes. A copy of the speaking notes has been included in the public record.

(Collins/Clark)
That staff work with the taxi consultant to present a plan of action to address the serious problem of escalating insurance rates to the Planning Committee no later than September 17, 2013.

CARRIED
(ii) **Delegation from Dean Carr respecting access to his private garage from Bull’s Lane (Item 6.2)**

(Clark/Pearson)
That the Delegation from Dean Carr respecting access to his private garage from Bull's Lane, be referred to the August 13, 2013 meeting of the Planning Committee.

CARRIED

(iii) **Delegation from Farzad Karambakhsh respecting 3250 Homestead Drive (PED12128) Outstanding Business List Item (Item 6.3)**

(Pearson/Clark)
That the Delegation from Farzad Karambakhsh respecting 3250 Homestead Drive (PED12128) Outstanding Business List Item, be referred to the September 4, 2013 meeting of the Planning Committee.

CARRIED

(iv) **Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 85 Barlake Avenue (Hamilton) (Ward 5) (PED13091) (Item 6.4)**

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the draft plan of condominium conversion, 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.

(Pearson/Johnson)
That the public meeting, respecting Report PED13091 Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 85 Barlake Avenue (Hamilton) (Ward 5), be closed.

CARRIED
(Pearson/Collins)
That the staff presentation, respecting Report PED13091 Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 85 Barlake Avenue (Hamilton) (Ward 5), be waived.

CARRIED

For disposition on this Item, refer to item 6.

(v) Application for Approval of a Draft Plan of Condominium (Common Elements), by 1536708 Ontario Inc., for Lands Known as 9 Hampton Brook Way (Glanbrook) (PED13116) (Ward 11) (Item 6.5)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the draft plan of common element condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

(Pearson/Partridge)
That the public meeting, respecting Report PED13116 Application for Approval of a Draft Plan of Condominium (Common Elements), by 1536708 Ontario Inc., for Lands Known as 9 Hampton Brook Way (Glanbrook), be closed.

CARRIED

(Pearson/Partridge)
That the staff presentation, respecting Report PED13116 Application for Approval of a Draft Plan of Condominium (Common Elements), by 1536708 Ontario Inc., for Lands Known as 9 Hampton Brook Way (Glanbrook), be waived.

CARRIED

For disposition on this Item, refer to item 7.
(vi) Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek) (PED13117) (Ward 11) (Item 6.6)

(i) Correspondence from Michael Schwenger
(ii) Correspondence from Leah Schwenger
(iii) Correspondence from Nancy Schwenger
(iv) Correspondence from Jane Schwenger
(v) Correspondence from C. F. N. and Estelle Baxter

In accordance with the provision of the Planning Act, 2nd Vice-Chair J. Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, draft plan of subdivision and draft plan of common element condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

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

(Collins/Pearson)
That the staff presentation respecting Report PED13117, Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek), be received.

CARRIED

John Ariens, on behalf of the applicant, provided an overview of the development with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Johnson)
That the agent’s presentation respecting Report PED13117, Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek), be received.

CARRIED
Speakers:

1. Anthony DiCenzo – 1070 Stone Church Rd. E., Unit 41, Hamilton, ON L8W 3K8
   Mr. DiCenzo expressed concerns with the development on behalf of DiCenzo Construction Company Limited.

2. Mike Schwenger – 30 Copes Lane, Hamilton, ON L8E 5C1
   Mr. Schwenger expressed concerns with density, storey height, parking and flat roofs.

3. Judy Popov – 513 Jones Road, Hamilton, ON L8E 5C1
   Ms. Popov asked for clarity for parking and expressed concerns with traffic, density and parking.

(Pearson/Collins)
The public presentations respecting Report PED13117, Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek), be received.

CARRIED

(Pearson/Collins)
The correspondence respecting Report PED13117, Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek), be received.

CARRIED

(Clark/Johnson)
The public meeting respecting Report PED13117, Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek), be closed.

CARRIED

(Johnson/Collins)
(a) That Recommendation (a) of Report PED13117 be amended to add a new sub-section (a)(i) to read as follows:

"(a)(i) That Section 2 of the amending By-law, attached as Appendix "B" to Report PED13117 be amended to add a new subsection 2.(f) and 2.(g) to read as follows:
2.(f) Lots 10, 11 & 20 be restricted to 2 1/2 storeys or 11 metres

2.(g) Lots 6, 7, 8 & 9 be restricted to 2 storeys or 9 metres"

(b) That the recommendations contained in Report PED13117 be amended to add new sub-section (f) and (g), to read as follows:

“(f) That Planning staff ensure that the site plan building elevations for Lots 6, 7, 8 and 9 be in substantial conformity with the building elevations presented at Planning Committee to ensure that the dwellings have a flat roof;

(g) That staff ensure that the Ward Councillor is consulted with as part of the Site Plan Approval Process.”

Amendment CARRIED

For disposition on this Item, refer to item 8.

(g) DISCUSSION ITEMS (Item 8)

(i) “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12) (Tabled from June 18, 2013) (Item 8.1)

(Ferguson/Collins)
That the recommendations contained in Report PED13105, “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster), be amended to add a new subsection (c), to read as follows:

(c) That the following be added as a new condition to the subdivision agreement referenced as Appendix “G” to Report PED13105:

“That the registration of the final plan shall not take place until an implementation agreement has been reached with the adjacent land owner regarding servicing and storm water management and to the satisfaction of the Senior Director of Growth Management.”

Amendment CARRIED

For disposition on this Item, refer to item 9.
(ii) Parked Facing the Wrong Way (PED13109) (City Wide) (Referred from Council on June 26, 2013) (Item 8.2)

(Farr/Collins)
(a) That Report PED13109, Parked Facing the Wrong Way, be referred back to staff to investigate the matter further and report back to the Planning Committee at a later date on issues related to, but not limited to: a more thorough breakdown of the statistics (including time of day), when the Hamilton Police Service is enforcing and to what extent; the breakdown of Municipal Law Enforcement versus Hamilton Police Service enforcement; the breakdown of safety concerns versus neighbourhood disputes; and on how many occasions the Hamilton Police Service writes tickets that are deemed to be invalid;

(b) That staff explore the feasibility that Municipal Law Enforcement be the sole responsibility with respect to parking facing the wrong way;

(c) That the Hamilton Police Service be requested to adopt the same policy as it relates to the City of Hamilton Parking By-law (By-law 01-218).

CARRIED

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

(i) Outstanding Business List Amendments (Item 11.1)

That the following Outstanding Business List due dates be revised:

(Collins/Clark)
(aa) Item F: By-law 05-200, to Modify General Commercial “C3-116” and “C3-117” Zone and add Site Specific General Commercial “C3-275” Zone to the Glanbrook Zoning By-law No. 464
Current Due Date: July 9, 2013
Proposed New Due Date: September 17, 2013

(bb) Item K: Design Review Committee - 38 Strachan/344 Bay
Current Due Date: July 9, 2013
Proposed New Due Date: August 12, 2013

(cc) Item M: RV Parking
Current Due Date: July 9, 2013
Proposed New Due Date: September 17, 2013

CARRIED
(Collins/Clark)
That the following items be removed from the Outstanding Business List:

(a) Item HH: “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12)
   CARRIED

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

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

(i) ADJOURNMENT

(Pearson/Collins)
That, there being no further business, the Planning Committee adjourn at 1:15 p.m.
CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk