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

Absent with Regrets: Councillor L. Ferguson

Also Present: Councillor S. Duvall

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Historical Board Minutes - January 21, 2014 (Item 5.1)
   (Partridge/Collins)
   That the minutes of the January 21, 2014 meeting of the Hamilton Historical Board, be received.
   CARRIED

2. Rental Housing Sub-Committee - Revised Terms of Reference (City Wide) (PED10049(p)) (Item 5.2)
   (Partridge/Collins)
   That the Terms of Reference for the Rental Housing Sub-Committee, attached as Appendix “A” to Report PED10049(p), be approved.
   CARRIED

3. Keeping of Pigeons in Urban Areas (PED13107(a)) (City Wide) (Item 5.3)
(Partridge/Collins)
That the proposed By-law, attached as Appendix “A” to Report PED13107(a), which amends the Responsible Animal Ownership By-law No. 12-031 with respect to allowing pigeons in urban areas with appropriate restrictions, and which has been prepared in a form satisfactory to the City Solicitor, be passed.

CARRIED

4. Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton) (PED14026) (Ward 7) (Item 6.1)

(Clark/Pearson)
(a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-13-019, by Malatesta Brothers Co. Ltd. (Owner), for a site-specific modification to the Neighbourhood Designation, in order to permit the development of 14 townhouse units at a density below 60 units per hectare (uph), for lands located at 1354 Upper Sherman (Hamilton), as shown on Appendix “A” to Report PED14026, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14026, be adopted by City Council.

(b) That approval be given to Zoning By-law Application ZAC-11-050, by Malatesta Brothers Co. Ltd. (Owner), for a change in zoning from the “AA” (Agricultural) District to the “RT-20” (Townhouse-Maisonette) District, with a Special Exception, in order to permit the development of 14 townhouse units, for lands located at 1354 Upper Sherman (Hamilton), as shown on Appendix “A” to Report PED14026 on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14026, that has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No.

(c) That upon finalization of the implementing By-law, the subject lands within the Rushdale Neighbourhood Plan be re-designated from “Institutional” and “Recreation” to “Attached Housing”.

(d) Holding Provision approval is contingent on an approved Construction Management Plan to include:
5. Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10) (Item 6.2)

(Farr/Whitehead)
That Official Plan Amendment (OPA) Application OPA-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner, for Amendment No. to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.7.1-1 Western Development Area Secondary Plan to redesignate lands from “Low Density Residential 2b” to “Medium Density Residential 3”, for the lands located at 257, 259 and 261 Millen Road, (Stoney Creek), as shown on Appendix “A” to Report PED14042, be DENIED.

CARRIED

6. Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15) (Item 6.3)

(Partridge/Farr)
(a) That approval be given to Official Plan Amendment Application OPA-13-017, Fern Brook Resort Inc., Owner, to amend policies and redesignate lands located at 58 12th Concession Road East (Flamborough), on Schedule “D” of the Rural Hamilton Official Plan (RHOP), to establish a Seasonal 100-site Trailer Park (Block “2”) and protected Conservation Areas (Blocks “3” and “5”), as shown on Appendix “A” to Report PED14032, on the following basis:

(i) That Blocks “2”, “3”, and “5” be changed from the “Rural” designation to the “Open Space” designation;

(ii) That Blocks “2”, “3”, and “5” be identified further as Site-Specific Area “R-___”;
(iii) That the draft Official Plan Amendment (OPA), attached as Appendix “B” to Report PED14032, be adopted by City Council; and,

(iv) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), Greenbelt Plan, Rural Hamilton Official Plan (RHOP) and the intent of the Town of Flamborough Strategy for Recreational Vehicle Parks, Report DPD1994-21 (see Appendix “C”).

(b) That approval be given to Amended Zoning Applications D14-ST and ZAC-02-093, Fern Brook Resort Inc., Owner, for changes in zoning to permit a permanent 15-unit mobile home park and ancillary uses (Block “1”), a 100-site seasonal trailer park and ancillary uses (Block “2”), and protected Conservation Areas (Blocks “3”, “4”, and “5”), for the lands located at 57 and 58 12th Concession Road East (Flamborough), as shown on Appendix “A” to Report PED14032, on the following basis:

(i) That Block “1” be changed from the Recreational Open Space “O3-3”, Zone Modified, to the Residential Mobile Home “R9-6-1-(H)” Zone, Modified, Holding and the Residential Mobile Home “R9-6-2-(H)” Zone, Modified, Holding;

(ii) That Block “2” be changed from the Agriculture “A” Zone, to the Recreational Open Space “O3-10-1(H)”, Zone, Modified, Holding;

(iii) That Block “3” be changed from the Conservation Management “CM” Zone, to the Recreational Open Space “O3-10”, Zone, Modified;

(iv) That Blocks “4” and “5” be changed from the Conservation Management “CM” Zone, to the Conservation Management “CM-4” Zone, Modified;

(aa) That the amending By-law apply the following Holding Provisions in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, to Blocks “1”, and “2”, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Residential Mobile Home “R9-6-1(H)” Zone, Modified, Holding, the Residential Mobile Home “R9-6-2(H)” Zone, Modified, Holding and the Recreational Open Space “O3-10(H)”, Zone, Modified, Holding;

(v) That the Holding provision referred to in Section (b) (iv) shall not be removed until such time as the following conditions have been completed:
Holding Provision “R9-6-1(H)” Holding Zone

The removal of the Holding provision “1(H)” will allow for the development of up to 50 permanent mobile home sites (units) on Block “1”, as well as the following uses:

(a) Clubhouse, accessory to the Manufactured and Mobile Home Park, which may include as ancillary uses to the park, administrative offices, a convenience store, a hotel consisting of 20 suites, a restaurant and tavern, a dining area, games room, fitness and leisure facilities including a pool, hot tub, sauna, showers, and fitness room.

(b) One Manager’s suite and two staff apartments, adjacent to the existing clubhouse.

(c) Maintenance, utility and storage buildings; and,

(d) Facilities for outdoor sports and leisure, including an outdoor pool, hot tub, children’s play area, volleyball and tennis courts, and picnic areas.

The Holding provision “1(H)” shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement (SPA)

The Owner shall enter into a Site Plan Agreement with the City and register it on title, for Block “1” - North Lands, to address required improvements and upgrades to the servicing, infrastructure, and layout of the mobile home park in a multi-phase plan, to be developed through the Site Plan approval process, through which the required financial securities for the construction of works, identified through Site Plan approval process, will be specified by the City and posted by the Owner, prior to Site Plan approval of each phase.

The development of the SPA should be made in reference to the requirements outlined in the Municipal Responsibility Agreement, adequately providing services to the development as outlined in the Functional Servicing Report, and to the satisfaction of the Director of Hamilton Water, Public Works.

(2) Municipal Responsibility Agreement
The Owner shall enter into and register the signed Municipal Responsibility Agreement and associate Trust agreement on title. Prior to registration of the Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management, the Director of Hamilton Water, Public Works, and the Director of Planning.

(3) Conservation Halton

(a) Preparation and submission of a Flood Emergency Plan to the satisfaction of Conservation Halton (CH) is required to ensure a safe evacuation of residents during a flood emergency.

(b) The completion of fill placement/grading and pedestrian bridge upgrades as recommended in the Stantec letter report, dated March 6, 2008, to ensure safe ingress/egress during regulatory storm events, to the satisfaction of Conservation Halton.

City Council shall remove the ‘H’ symbol “1(H)” and, thereby, give effect to the Residential Mobile Home “R9-6-1(H)” Zone, Modified, Holding provisions, to allow for up to 50 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions 1, 2, and 3, are satisfied.

Holding Provision ‘R9-6-2(H) Holding Zone’

The removal of the Holding provision “2(H)” will allow for the development of an additional 100 permanent mobile home sites (units) on Block “1” for a total of 150 permanent mobile home sites (units). The Holding provision “2(H)” shall remain in effect until such time as the completion of the following conditions:

(1) Functional Servicing Report

Preparation and submission of an addendum to the Functional Servicing Report and Operations and Maintenance Manual, to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works. The addendum shall address the following matters:

a) A Hydrogeological Study, with the assistance of a Qualified Person, to characterize the following:

   i) The direction of groundwater flow;
ii) The existence of both an upstream and downstream monitoring well whose location reflects the groundwater flow regime;

iii) Confirm that the downstream well is located within the effluent plume and at least 40 m. from the septic system and tile field;

iv) Confirm that the monitoring well number and the monitoring well information provided to date was sampled from the upstream and downstream monitoring wells identified in (ii) and (iii), above;

v) Determine appropriate effluent trigger limits at the monitoring wells;

vi) If recommended by the Hydrogeologist, install additional monitoring wells in order to address items (i) to (v).

b) Following the collection of at least three consecutive years of monitoring data, the Owner shall reassess the Hydrogeological Study to confirm effluent trigger limits and provide recommendations on any required infrastructure upgrades, referencing the monitoring data in conjunction with the water and waste water flow rate and occupancy records;

c) Submission of theoretical design flows for both the water and wastewater systems, based on full occupancy of the Fern Brook Development (150 permanent and 100 season sites), following MOE Design Guidelines (2008), City of Hamilton Engineering Guidelines (2006), and the Ontario Building Code;

d) Submission of historical water and wastewater flow rates which are based on Ministry of Environment Design Criteria and accompanied by occupancy records for the related time period;

e) Demonstration that the rated capacity of the Water Treatment System is capable of servicing the full Fern Brook Development (150 permanent and 100 seasonal sites), with the rated capacity being based on the largest unit for each process component out of service, and
that the system is adequately designed to meet the MOE/Hamilton Fire Department fire storage and fire flow requirements;

f) Demonstration that the Sewage Treatment System will: i) function adequately for the design flows of the full Fern Brook Development (150 permanent sites and 100 seasonal sites), identifying the need for additional equipment in order to meet the rated firm capacity with the largest unit out of service; ii) operate in accordance with the associated Certificate of Approval; iii) produce an effluent, at the discharge point of the treatment system, with a nitrate concentration less than, or equal to 10 mg/L; and iv) maintain a nitrate concentration, at the property boundary downstream of the sewage treatment system, that does not exceed 2.5 mg/L.; and,  

g) Revisions to the Operations and Maintenance Manuals for the water and wastewater treatment facilities which follow MOE’s prescribed format and which include a comprehensive set of operating instructions and a process narrative to explain how the facility is intended to operate in accordance with the required treatment system, as determined through the ongoing engineering analysis and in consultation with the City.

City Council shall remove the ‘H’ symbol “2(H)” and, thereby, give effect to the Residential Mobile Home “R9-6” Zone, Modified provisions, to allow for 100 permanent mobile home sites to a maximum of 150 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions are satisfied.

**Holding Provision “O3-10(H)” Zone, Modified**

The removal of the Holding provision “(H)” will allow for the development of up to 100 seasonal trailer sites on Block “2” and the sewage treatment plan and dispersal fields on Block “3”. The Holding provision “(H)” shall remain in effect until such time as the completion of the following conditions:

1. **Site Plan Agreement**

The Owner has entered into a Site Plan Agreement with the City and registered said Agreement on title, for Blocks “2” and “3” (“South Lands”). The Site Plan Agreement will address but shall
not be limited to: required improvements and upgrades to the servicing, infrastructure, and layout of the seasonal trailer park, through which the required financial securities for the construction of works identified through the Site Plan Approval process will be specified by the City and posted by the Owner prior to Site Plan Approval.

(2) Municipal Responsibility Agreement

The Owner has executed and registered on title the signed Municipal Responsibility Agreement and associate Trust Agreement to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning. Prior to registration of said Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning.

City Council may remove the Holding provision 'H' and thereby give effect to the Recreational Open Space Zone “O3-10”, Zone, Modified zone provisions, for Block “2”, to allow for a maximum of 100 seasonal trailer sites and Block “3”, to permit the Private Sewage Treatment Plant with Dispersal fields, by enactment of an amending By-law, once the above-noted conditions are satisfied.

(vi) That Council authorize the Mayor and City Clerk to execute a Municipal Responsibility Agreement and associated Trust Agreement, substantially in the form attached as Appendix “H” to Report PED14032, with content acceptable to the City Solicitor and the Director of Planning.

(vii) That the draft By-law, attached as Appendix “C” to Report PED14032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(viii) That the proposed changes in zoning are in conformity with the PPS, the Hamilton-Wentworth Official Plan (HWOP), and the Flamborough Official Plan, and will be in conformity with the RHOP upon approval of OPA No. 401.

(c) That Appendix “C” to Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road
7. Downtown Built Heritage Inventory (PED14039) (City Wide) (Item 7.1)

(Farr/Whitehead)

(a) That the property evaluation framework developed by ERA Architects Inc., *Hamilton Downtown Built Heritage Inventory DRAFT Heritage Constraints and Opportunities*, attached as Appendix “A” to Report PED14039, be used to guide future inventory work;

**NOTE:** Due to the size and bulk of the ERA Architects report, *Hamilton Downtown Built Heritage Inventory DRAFT Heritage Constraints and Opportunities*, and its large scale appendices, a hard copy of the full report will be available for viewing in the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton and on the City’s website at: [http://www.hamilton.ca/CityDepartments/CorporateServices/Clerks/AgendaMinutes/Planning/2014/March 18, 2014](http://www.hamilton.ca/CityDepartments/CorporateServices/Clerks/AgendaMinutes/Planning/2014/March 18, 2014)

(b) That staff be directed to consult with the Hamilton Municipal Heritage Committee and the owners of the properties listed in Appendix “C” of ERA Architects report, *Hamilton Downtown Built Heritage Inventory DRAFT Heritage Constraints and Opportunities*, attached as Appendix “A” to Report PED14039, and report back to the Planning Committee regarding the addition of these properties to the Register of Property of Cultural Heritage Value or Interest as non-designated properties;

(c) That staff be directed to consult with the Hamilton Municipal Heritage Committee and the owners of the properties listed in Appendix “C” of ERA Architects report, *Hamilton Downtown Built Heritage Inventory DRAFT Heritage Constraints and Opportunities*, attached as Appendix “A” to Report PED14039, and report back to the Planning Committee regarding the priority of Cultural Heritage Assessment work for each property for potential designation under the *Ontario Heritage Act*;

(d) That staff be directed to prepare a work plan for Recommendations (b) and (c) of Report PED14039 and for completion of the inventory and evaluation of the remaining properties in the City’s *Inventory of Buildings of Architectural and/or Historical Interest*, including community engagement, volunteer opportunities, survey methodology, data management, and the feasibility of applying the evaluation framework identified in Recommendation (a) of Report PED14039;
(e) That staff be directed to prepare a Capital Budget submission for the work described in Recommendation (d) of Report PED14039 to be brought forward in the 2015 Budget deliberations.

CARRIED

8. Waterdown Village Core – Traffic Management and Land Use Options (PED14047) (Ward 15) (Item 8.2)

(Partridge/Whitehead)
That the following strategy be approved in respect to traffic management and land use for the Waterdown Village Core area:

(a) Continue with the traffic calming review for the Waterdown Village Core;

(b) Initiate the Growth Management Road Infrastructure Implementation Strategy;

(c) Initiate the Waterdown Community Node Secondary Plan;

(d) Initiate a Transportation Management Plan for the Waterdown Community Node;

(e) Require a Traffic Impact Study for all residential development in the Waterdown Core;

(f) The City not pursue an Interim Control By-law or a Holding By-law for the Waterdown Village Core.

CARRIED

9. Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15) (Item 8.3)

(Partridge/Whitehead)
That approval be given to Zoning By-law Amendment Application ZAC-09-030, by Mattamy Homes (Waterdown) Limited, (Owner), for a modification to the existing Urban Residential “R1-30” Zone, in order to remove the regulation permitting a maximum of 34 dwelling units on the subject lands, for lands located at the southwest corner of Parkside Drive and Spring Creek Drive (Flamborough), as shown on Appendix “A” to Report PED14018, on the following basis:
(a) That the draft By-law, attached as Appendix “B” to Report PED14018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

CARRIED as to be amended at Council

10. Pedestrian Access on Fellowes Crescent Waterdown

(Partridge/Whitehead)
Whereas the residential development on Fellowes Crescent, Waterdown is an existing mature neighbourhood built in the 1980’s; and

Whereas there are significant traffic and parking issues on the existing section of Fellowes Crescent; and

Whereas the proposed extension of Fellowes Crescent to connect with the new Mattamy development will result in increased traffic from 71 new units having access into the older neighbourhood;

Therefore be it resolved:

(a) That the interface between the existing Fellowes Crescent and the proposed extension of Fellowes to the new development to the East remain closed to vehicle access and allow only pedestrian access, to be monitored once:

(i) The residential construction and abutting land use is completed;

(ii) The proposed supporting transportation infrastructure ie Parkside Drive improvements; Bypass corridor between Dundas St. and Parkside Drive are completed and functional.

(b) Pedestrian access on the existing Fellowes Crescent through the extension will be constructed to include bullard barricades and maintained by the developer satisfactory to the city growth management staff.

CARRIED
11. Medical Marihuana Growing and Harvesting Facility Under the Federal Regulations (MMPR) – Zoning By-law Interpretations (PED14037(a)) (City Wide) (Item 8.4)

(Pearson/Collins)
(a) That staff be directed to undertake a City Initiative for the urban area to amend the Urban Hamilton Official Plan and/or the existing Zoning By-laws to establish a definition of a Medical Marihuana Growing and Harvesting Facility, to include appropriate regulations, and to identify appropriate locations for this use.

(b) That staff be directed to establish a definition of a Medical Marihuana Growing and Harvesting Facility, establish appropriate regulations, and identify it as an agricultural use within the proposed agricultural zones for the Rural area.

CARRIED

12. Hamilton Municipal Heritage Committee Report 14-002 (Item 8.5)

(Farr/Whitehead)
(a) Hamilton Heritage Conservation Grant Program (City Wide)

That the Hamilton Heritage Conservation Grant Program (HHCGP) be established as per the terms and conditions outlined by staff in Appendix A (attached hereto).

(b) Funding for Hamilton Municipal Heritage Committee 2013 Awards

That funds up to the amount of $500 from the appropriate account be made available, for the expenses incurred from the 2013 Hamilton Municipal Heritage Committee Awards Night

(c) 170 Longwood Road North, Hamilton letter

That the Hamilton Municipal Heritage Committee be authorized to write a letter to the Ministry of Tourism, Culture & Sport, as well to the Ontario Heritage Trust, outlining concerns with limitations of the Ontario Heritage Act with respect to regulating alterations to non-designated properties that are included in the municipal Register, as demonstrated by the extent of alterations to the existing house at 170 Longwood Road North (for information see Appendix B, attached hereto).

CARRIED
13. Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 41, 45, 47, 49, 55, 59 Head Street, 22, 24 Dundurn Street North, and 620, 622, 624 Main Street West (Hamilton) regarding City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Hamilton Official Plan (OPA-12-011) and Hamilton Zoning By-law No. 6593 (ZAC-12-028); and, Failure to Approve Site Plan DA-13:175 (LS14008/PED14064) (Item 12.3)

(Pearson/Whitehead)
That the recommendations remain confidential until Council approval.

CARRIED

14. Monterey Heights - 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) (LS14007) (Item 12.4)

(Pearson/Whitehead)
That the recommendations remain confidential until Council approval.

CARRIED

15. 1400 Upper James OMB Appeals Re: OPA (OPA-12-012), ZBA (ZAC-12-029) and Consent (HM/B-13:27) Owner: LPF Reality Inc. (LS14009) (Item 12.5)

(Pearson/Whitehead)
That the recommendations remain confidential until Council approval.

CARRIED

16. 1125 West 5th Street OMB Appeals Re: ZBA (ZAC -12-067 and Plan of Subdivision 25T-2012) Owner: DiCenzo Construction Limited (LS14010) (Item 12.6)

(Pearson/Whitehead)
That the recommendations remain confidential until Council approval.

CARRIED

17. 1041 West 5th Street OMB Appeals Re: OPA (OPA-12-024) and ZBA (ZAC-12-070) Owner: 1804487 Ontario Inc. (LS14011) (Item 12.7)

(Pearson/Whitehead)
That the recommendations remain confidential until Council approval.

CARRIED
FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

(Collins/Partridge)

4.2 Delegation Request from Janice Brown respecting item 8.5, Hamilton Municipal Heritage Committee Report 14-002

6.1 Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton) (PED14026) (Ward 7)

(i) Correspondence from Marc and Karen Campanelli

6.2 Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10)

(i) Correspondence from Todd Hennings and Nicole Cockcroft

6.3 Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15)

(i) Correspondence from Glen and Joan Wigood and Al, Donna, AJ and Alicia Mount

8.3 Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15)

(x) Correspondence from Ryan Oosterhoff – Mattamy Homes

10.1 Renaming of the Trinity Church Arterial Road Corridor (Clark)

10.2 Naming of the Waterdown East/West Roadway (Partridge)

That the Agenda for the March 18, 2014 meeting of the Planning Committee be approved, as amended.

CARRIED
(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest in item 5.2, Rental Housing Sub-Committee - Revised Terms of Reference (City Wide) (PED10049(p)) and item 6.2 Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10), as she owns rental property that pertains to these two items.

(c) APPROVAL OF MINUTES (Item 3)

(i) February 18, 2014

(Pearson/Farr)
That the Minutes of the February 18, 2014 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Anna Roberts and Viv Saunders respecting changes to Land Use Process and Procedures (Item 4.1)

(Collins/Partridge)
That the delegation request from Anna Roberts and Viv Saunders respecting changes to Land Use Process and Procedures, be approved for a future meeting.

CARRIED

(ii) Delegation Request from Janice Brown respecting item 8.5, Hamilton Municipal Heritage Committee Report 14-002 (Item 4.2)

(Farr/Collins)
That the delegation Request from Janice Brown respecting item 8.5, Hamilton Municipal Heritage Committee Report 14-002, be approved.

CARRIED
PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton) (PED14026) (Ward 7) (Item 6.1)

(ii) Correspondence from Marc and Karen Campanelli

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 and official plan 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.

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

(Pearson/Collins)
That the staff presentation respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), be received.

CARRIED

Liam Doherty, agent, provided an overview of the application with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

(Pearson/Partridge)
That the applicant representative’s presentation respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), be received.

CARRIED

Public Speakers:

1. Mike Cordeiro – 65 Rupert Court, Hamilton, ON L8W 2Y9

   Mr. Cordeiro expressed concerns with privacy, fencing, grading issues and flooding.
2. Gary Josefik - 1336 Upper Sherman, Hamilton, ON L8W 1C2
   Mr. Josefik spoke to the application.

3. Marg Himmen - 1336 Upper Sherman, Hamilton, ON L8W1C2
   Mr. Himmen spoke to the application.

(Pearson/Clark)
That the public presentations respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), be received.
CARRIED

(Collins/Pearson)
That the public meeting respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), be closed.
CARRIED

(Farr/Whitehead)
That the correspondence respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), be received.
CARRIED

(Clark/Collins)
That the recommendations to Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), be amended by adding new sub-section (d), as follows:

(d) Holding Provision approval is contingent on an approved Construction Management Plan to include:

   (i) Prohibition on blasting
   (ii) Flooding mitigation plan
   (iii) Fence and screening requirements
   (iv) Individual garage connection
   (v) Ward Councillor to be included in site plan approval
   (vi) 2 storeys in height maximum

Amendment CARRIED

For disposition on this Item, refer to item 4.
Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10) (Item 6.2)

Correspondence from Todd Hennings and Nicole Cockcroft

Correspondence from Todd Hennings and Nicole Cockcroft

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-laws and urban Hamilton official plan 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.

Joe Muto, Senior Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the PowerPoint has been included as part of the public record.

That the staff presentation respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), be received.

CARRIED

Matt Johnson, on behalf of the applicant, provided an overview of the application with the aid of a PowerPoint Presentation. A copy of the PowerPoint has been included as part of the public record.

That the agent’s presentation respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), be received.

CARRIED

Public Speakers:

1. Raymond D. – 252 Millen Road, Stoney Creek, ON L8E 2G9
He expressed concerns with over-intensification and privacy.

2. Lorraine Smith – 389 Hemlock Ave, Stoney Creek, ON L8E 2E2

Ms. Smith expressed concerns with privacy, noise, parking overflow, landscaping, excessive traffic, building height, potential rental units.

(Farr/Clark)
That the public presentations respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), be received.

CARRIED

(Collins/Clark)
That the public meeting respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), be closed.

CARRIED

(Farr/Clark)
That the correspondence respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), be received.

CARRIED

(Clark/Whitehead)
That the recommendations contained in Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), be amended by adding new sub-sections (d) and (e) as follows:

(d) That the privacy fencing be increased around the subject property from 1.5m to 2.0m;

(e) That trees are to be planted beside the fencing to provide additional parking.

Amendment CARRIED
Councillor Whitehead proposed tabling this item in order to accommodate further discussion. The applicant was not supportive.

(Farr/Whitehead)

(a) That approval be given to **Official Plan Amendment (OPA)** Application **OPA-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner**, for Amendment No. to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.7.1-1 Western Development Area Secondary Plan to redesignate lands from “Low Density Residential 2b” to “Medium Density Residential 3”, for the lands located at 257, 259 and 261 Millen Road, (Stoney Creek), as shown on Appendix “A” to Report PED14042, on the following basis:

(i) That the draft OPA, attached as Appendix “B” to Report PED14042, be adopted by Council; and,

(ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe.

(b) That approval be given to amended **Zoning Application ZAC-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner**, for changes in zoning to **By-law No. 3692-92** from the Single Residential “R2” Zone, to the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 1), and for the removal of lands in Zoning By-law No. 05-200 zoned Neighbourhood Institutional (I1) Zone, and placing them into the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 2), as shown on Schedule “A” to Appendices “C” and “D” to Report PED14042, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 6 of Zoning By-law No. 3692-92.

(iii) That the draft By-law, attached as Appendix “D” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(iv) That the amending By-law be removed from Schedule “A”, Map No. 1198 of Zoning By-law No. 05-200; and,

(v) That the proposed changes in zoning will be in conformity with the UHOP upon finalization of OPA No. [redacted].

(c) That upon finalization of the implementing By-law, the Poplar Park Neighbourhood Plan be amended by changing the designation of 257, 259 and 261 Millen Road (Stoney Creek) from “Low Density Residential” to “Medium Density Residential”.

The recommendations DEFEATED on the following vote:

Yeas: Farr
Total: 1
Nays: Collins, Partridge, Whitehead, Johnson, Clark
Total: 5
Absent: Pasuta, Ferguson, Pearson
Total: 3

For disposition on this Item, refer to item 5.

(iii) Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15) (Item 6.3)

(i) Correspondence from Glen and Joan Wigood and Al, Donna, AJ and Alicia Mount

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 and official plan 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.

Cam Thomas, Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the PowerPoint has been included as part of the public record.
(Partridge/Clark)
That the staff presentation respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be received.

CARRIED

Hal Watson, on behalf of the applicant, provided an overview of the application.

(Partridge/Collins)
That the agents’ presentation respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be received.

CARRIED

Public Speakers:

1. Fred Paatz – 75 Concession 11 E., Freelton, ON L0R 1K0
   Mr. Paatz expressed his opposition.

2. Joyce Jones – 79 Concession 11 E., Freelton, ON L0R 1K0
   Expressed her opposition and concerns with the application.

3. David Curtis – 57 Concession 12 E., Freelton, ON L0R 1K0
   Expressed his opposition and concerns with the application and spoke on behalf of Cheryl Smith and himself.

4. Karl Glover - Concession 12 E., Freelton, ON L0R1K0
   Mr. expressed his support for the application.

(Clark/Pearson)
That the public presentations respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be received.

CARRIED

(Collins/Partridge)
That the public meeting respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile
Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be closed.

CARRIED

(Pearson/Clark)
That the correspondence respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be received.

CARRIED

(Partridge/Collins)
That the recommendations contained in Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be amended by adding a new sub-section (c) as follows:

(c) That Appendix “C” to Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be deleted and replaced with the REVISED Appendix “C”.

Amendment CARRIED

For disposition on this Item, refer to item 6.

(f) DISCUSSION ITEMS (Item 8)

(i) Pool Enclosure By-law (PED13126(a)) (City Wide) (Item 8.1)

(Farr/Clark)
That report PED13126(a)) Pool Enclosure By-law be referred back to staff for further information including the cost to enforce and inspect, a review of the fines and penalties, as well as to hold public consultation and a public meeting.

CARRIED

(ii) Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15) (Item 8.3)

(i) Correspondence from Margaret Ritchie
(ii) Correspondence from Steve Oliver
(iii) Correspondence from Bonnie Valade
(iv) Correspondence from Doug and Lucille Bradshaw
(v) Correspondence from Joan Moore
(vi) Correspondence from Seth Stewart
(vii) Correspondence from Gary Gesner
(viii) Correspondence from Corey and Patti Shaw
(ix) Correspondence from Sharon and Rick Mackie
(x) Correspondence from Ryan Oosterhoff – Mattamy Homes

(Whitehead/Clark)
That the correspondence respecting Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), be received.

CARRIED

For disposition on this Item, refer to item 9.

(iii) Hamilton Municipal Heritage Committee Report 14-002 (Item 8.5)
Janice Brown provided an overview of her concerns with the aid of a handout. A copy of the handout has been included in the public record.

(Farr/Pearson)
That the presentation from Janice Brown respecting Report 14-002, Hamilton Municipal Heritage Committee, be received.

CARRIED

For disposition on this Item, refer to item 12.

(g) NOTICES OF MOTION (Item 10)
Councillor Johnson introduced the following Notice of Motion:
(i) **Renaming of the Trinity Church Arterial Road Corridor (Item 10.1)**

Whereas the Red Hill Business Park South Transportation Master Plan finalized the location of the Trinity Church Arterial Road Corridor;

And whereas the Trinity Church Arterial Road Corridor will no longer connect to Trinity Church Road;

Therefore be it resolved;

(a) That the Trinity Church Arterial Road Corridor be renamed as Upper Red Hill Valley Parkway from Stone Church Road East to the point of connection to the future extension of Twenty Road East;

(b) That this motion be forwarded to all departments in the City of Hamilton, and all agencies and utilities that receive regular notification from the City concerning street names and addressing.

Councillor Partridge introduced the following Notice of Motion:

(ii) **Naming of the Waterdown East/West Roadway (Item 10.2)**

Whereas the Waterdown/Aldershot Transportation Master Plan finalized the location of the Waterdown East/West Roadway;

Therefore be it resolved;

(a) That the Waterdown East/West Roadway be named as North Waterdown Drive from Highway No. 6 to the point of connection with Parkside Drive;

(b) That this motion be forwarded to all departments in the City of Hamilton, and all agencies and utilities that receive regular notification from the City concerning street names and addressing.

(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:

(Partridge/Pearson)
Item Z: Amendments to the Prohibition of Exotic Animals within the Responsible Animal Ownership By-law – Criteria and Process (Motion from GIC)
Current Due Date: March 18, 2014
Proposed Due Date: May 6, 2014

CARRIED

(Partridge/Farr)
That the following items be removed from the Outstanding Business List:

(aa) Item F: Racing Pigeons
(bb) Item I: Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy)
(cc) Item BB: Rental Housing Sub-Committee Terms of Reference (PED10049(o))
(dd) Item GG: Traffic management and land use strategy for the Waterdown Village Core area
(ee) Item JJ: Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough)
(ff) Item LL: Notice of Motion - Possible Property Acquisition (In Camera)

CARRIED

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – February 18, 2014 (Item 12.1)

(Partridge/Collins)
(a) That the Closed Session Minutes of the February 18, 2014 meeting of the Planning Committee be approved, as presented.
(b) That the Closed Session Minutes of the February 18, 2014 meeting of the Planning Committee, remain confidential and restricted from public disclosure.

CARRIED
(Partridge/Farr)
That the Planning Committee move into Closed Session, at 5:49 p.m. for the
discussion of Items 12.2 through to item 12.7, pursuant to Section 8.1, Sub-
sections (c), (e) and (f) of the City's Procedural By-law 10-053, and Section 239,
Sub-sections (c), (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 City;
- advice that is subject to solicitor-client privilege, including
  communications necessary for that purpose;
- a proposed or pending acquisition or disposition of land by the
  municipality or local board

CARRIED

Committee moved into open session at 6:15 p.m.

(ii) Possible Property Acquisition – Motion (Item 12.2)

(Pearson/Whitehead)
That the motion respecting Possible Property Acquisition, be tabled to
the next meeting of the Planning Committee.

CARRIED

(iii) Shoppers Drug Mart - Appeals to the Ontario Municipal Board by
Shoppers Drug Mart Limited for Lands Located at 41, 45, 47, 49, 55,
59 Head Street, 22, 24 Dundurn Street North, and 620, 622, 624
Main Street West (Hamilton) regarding City of Hamilton's Refusal
or Neglect to Adopt Amendments to the City of Hamilton Official
Plan (OPA-12-011) and Hamilton Zoning By-law No. 6593 (ZAC-12-
028); and, Failure to Approve Site Plan DA-13:175 (LS14008) (Item
12.3)

For disposition on this Item, refer to item 13.

(iv) Monterey Heights - 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) (LS14007)
(Item 12.4)

For disposition on this Item, refer to item 14.
(v) 1400 Upper James OMB Appeals Re: OPA (OPA-12-012), ZBA (ZAC-12-029) and Consent (HM/B-13-27) Owner: LPF Reality Inc. (LS14009) (Item 12.5)

For disposition on this Item, refer to item 15.

(vi) 1125 West 5th Street OMB Appeals Re: ZBA (ZAC -12-067 and Plan of Subdivision 25T-2012) Owner: DiCenzo Construction Limited (LS14010) (Item 12.6)

For disposition on this Item, refer to item 16.

(vii) 1041 West 5th Street OMB Appeals Re: OPA (OPA-12-024) and ZBA (ZAC-12-070) Owner: 1804487 Ontario Inc. (LS14011) (Item 12.7)

For disposition on this Item, refer to item 17.

(j) ADJOURNMENT

(Pearson/Whitehead)

That, there being no further business, the Planning Committee adjourn at 6:24 p.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk