THE PLANNING COMMITTEE PRESENTS REPORT 13-009 AND RESPECTFULLY RECOMMENDS:

1. Tow Truck Licensing Sub-Committee Report 13-001 (Item 5.1)

(a) Appointment of Chair and Vice Chair (Item A)

(i) That Councillor Clark be appointed as the Chair of the Tow Truck Licensing Sub-Committee for the 2010-2014 term of Council;

(ii) That Councillor Pearson be appointed as the Vice-Chair of the Tow Truck Licensing Sub-Committee for the 2010-2014 term of Council.

(b) Tow Truck Sub-Committee Terms of Reference (PED13094) (City Wide) (Item 6.1)
(i) That the Terms of Reference for the Tow Truck Sub-Committee, attached as Appendix “A” to Tow Truck Licensing Sub-Committee Report 13-001, be approved.

2. Financial Incentives for Protected Heritage Properties (PED13098) (City Wide) (Item 5.2)

That Report PED13098, Financial Incentives for Protected Heritage Properties, be received and referred to the Hamilton Municipal Heritage Committee for information.

3. City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101) (Ward 6) (Item 6.1)

(a) That approval be given to City Initiative CI-13-B, for a change in zoning to Hamilton Zoning By-law No. 6593 from the “B” (Suburban Agriculture and Residential, Etc.) District to the “B/S-1669” (Suburban Agriculture and Residential, Etc.) District, with a Special Exception, in order to increase the minimum required front yard setback from 12m to 25m and to limit garage projections, for the lands located at 118 to 338 Mountain Brow Boulevard (Hamilton), as shown on Appendix “A” to Report PED13101, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED13101, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan;

4. Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study (PED13099/PW13040) (Ward 11) (Item 6.2)

(a) That draft Official Plan Amendment No. to the former Regional Municipality of Hamilton-Wentworth Official Plan, attached as Appendix “A”, as amended, to Report PED13099/PW13040, be adopted by Council;

(b) That draft Official Plan Amendment No. to the former City of Stoney Creek Official Plan, attached as Appendix “A”, as amended, to Report PED13099/PW13040, be adopted by Council;
(c) That draft Official Plan Amendment No. 13-009 to the Urban Hamilton Official Plan, attached as Appendix “B” to Report PED13099/PW13040, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and when the relevant sections of the Urban Hamilton Official Plan come into force and effect, that Planning and Economic Development staff be directed and authorized to hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment for the Fruitland-Winona Secondary Plan;

(d) That the Fruitland-Winona Urban Design Guidelines, attached as Appendix “C” to Report PED13099/PW13040, be adopted;

(e) That the General Manager of the Public Works Department be authorized and directed to file the Stoney Creek Urban Boundary Expansion (SCUBE) Sub-watershed Study with the City Clerk for a minimum thirty (30) day public review period (see Appendix “D” to Report PED13099/PW13040);

(f) That the findings and solutions identified in the individual drainage and flooding assessments be integrated into the Block Servicing Strategies and subsequent Draft Plan of Subdivision to the satisfaction of the Senior Director of Growth Management.

(g) That Appendix "A" to Report PED13099/PW13040 be amended for the properties known municipally as 339 and 347 Fifty Road (Foothills of Winona) by adding the following Area Specific Policy:

13.2.23.9 Area Specific Policy - Area I

For the lands located at 339 and 347 Fifty Road and as shown as Area Specific Policy - Area I on Schedule A2-1 - Fruitland-Winona Secondary Plan - Land Use Plan, the following policy shall apply:

(i) In addition to Policy 13.2.4.2c) - Low Density Residential, all forms of townhouses shall be permitted in accordance with Official Plan Amendment No. 174.

A similar amendment to the Urban Hamilton Official Plan will be required at the time the Urban Hamilton Official Plan amendment comes forward for approval;

(h) That Medium Density Residential 3 be replaced with Medium Density Residential 2 on Schedule A2-1 of Appendix “A” and Map B.7.4-1 of Appendix “B” and that all corresponding text changes be made;
(i) That City Staff and the Mayor be directed to correspond with Go Transit to expand buses to the large Winona commercial development;

(j) That funding from the common cost budget be provided for a mail out in Wards 10 and 11 to further inform the residents of Council’s decision, outside of the appeal period, with respect to the Fruitland-Winona Secondary Plan and Official Plan Amendments;

(k) That all references in the Fruitland-Winona Secondary Plan and Official Plan Amendments to waste management facilities and transportation yards be deleted;

(l) That Policy 13.2.7 (c) on page 27 of Appendix “A” to Report PED13099/PW13040, be deleted and replaced with the following:

“The City will negotiate with developers to encourage the construction of neighbourhood parks on the City’s behalf during the construction of the subdivision.”

(m) That Hamilton Street Railway staff be directed to explore the extension of services to the large Winona commercial development;

(n) That the properties known as 1065 Highway No. 8 and 1083 Highway No. 8 be re-designated to Local Commercial on Schedule A2-1 of Appendix “A” and Map B.7.4-1 of Appendix “B;

(o) That staff report back on the revised total number of projected units, population and persons and jobs per hectare calculation before the next Council meeting on June 12, 2013;

(p) That the vision statement be reinstated in Appendix “A” to Report PED13099/PW13040 to the original wording of the vision that was prepared by the Community Advisory Committee;

(q) That Appendix "A" to Report PED13099/PW13040 be amended for the property known municipally as 269 Glover Road by adding the following Site Specific Policy:

“13.2.23.10 Site Specific Policy - Area J

For the lands located at 269 Glover Road and as shown as Site Specific Policy - Area J on Schedule A2-1 - Fruitland-Winona Secondary Plan - Land Use Plan, the following policy shall apply:
(a) In addition to Policy 13.2.23.8 - Area Specific Policy- Area H, Policy 13.2.4.2 – Low Density Residential, and Policy 13.2.7 – Parks and Open Space, the following uses shall be permitted:

i) The existing private club and ancillary banquet hall.”

(r) That the Fruitland-Winona Urban Design Guidelines be appropriately revised to reflect the change in designation from Medium Density Residential 3 to Medium Density Residential 2.

5. Yard Maintenance: Clean Up of 405 King Street East (Ward 3) (PED13118) (Item 8.1)

That the Senior Director of Parking and By-Law Services be authorized and directed to expend no more than $40,000 for the removal and disposition of building debris from 405 King Street East, Hamilton, and that the amount expended be added to the tax roll for this property, all in accordance with Sub-sections 10 (12), 10 (13) and 10 (14) of the Yard Maintenance By-law No. 10-118.

6. Hamilton Municipal Heritage Committee Report 13-003 (Item 8.2)

(a) Policy and Design Sub-Committee Meeting Report – April 11, 2012 (Item 7.5)

(i) That the Heritage Impact Assessment report for 1125 West 5th Street, Hamilton, be accepted as complete.

(ii) That, in principle, the Sub-Committee is of the opinion that the alterations to the building will conserve the cultural heritage value of the remaining portion of the building, but that the additional details listed in the minutes must be provided prior to acceptance of the Heritage Impact Assessment report.

(b) Correspondence from the Ministry of Citizenship and Immigration respecting Nominations for the Ontario Medal for Good Citizenship (Item 9.5)

(i) That Alissa Denham-Robinson, be nominated for the Ontario Medal for Good Citizenship.


(b) That Appendix “A” to Report LS13019 be made public in the event that recommendations contained in Appendix “A” be approved as the position of the City in respect of those matters set out in Appendix “A”;

(c) That the amendments and modifications described in the recommendations contained in Appendix “A” to Report LS13019 be approved as the basis of a settlement of the appeals by the TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald’s Restaurants of Canada Limited, Wendy’s Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association of the Urban Hamilton Official Plan;

(d) That staff be directed to advise the OMB that the amendments and modifications contained in Appendix “A” to Report LS13019 should be included in the Urban Hamilton Official Plan.

8. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction (LS13021) (City Wide) (Item 12.2)

(a) That Report LS13021 remain confidential, but that Appendix A be made public in the event that a settlement is reached with the appellant;

(b) That amendments and modifications described in Appendix A to Report LS13021 be approved as a partial settlement of Paletta International Corporation’s appeal of Policy C.2.7 of the Urban Hamilton Official Plan;

(c) That staff be directed to advise the OMB that the City of Hamilton and Paletta International Inc. have settled a portion of Paletta International
9. Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas (LS13020) (Ward 13) (Item 12.3)

That Item 9 of the Planning Committee Report 13-009, respecting Report LS13020, Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas, be deferred to no later than the July 12, 2013 meeting of Council.

That item 9 to Planning Committee Report 13-009, approved by Council on June 12, 2013 respecting Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas, (LS13020) (Ward 13) be amended by being deleted in its entirety and replaced with the following:

Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas, (LS13020) (Ward 13) (Outstanding Business List)

(a) That Appendix “A” titled Report PED10229 to Appendix “A” to Report LS13020 is a public document, while the remainder of Appendix “A” to Report LS13020 only be made public in the event that a settlement is reached with the appellant;

(b) That the zoning by-law amendments described in Appendix “C” and “F”, and attached to Appendix “A” to report LS13020 as amended, be approved as the basis of a settlement of the appeal of the zoning by-law amendment application for 24 Brock Street North, Dundas, with OMB File Number PL121211;

(i) That the zoning by-law described in Appendix “C” be amended by adding the following subsection (ii) to Section 4:

“(ii) The Senior Director of Growth Management confirms that he is satisfied there is sufficient and adequate water service and water pressure available, including sufficient and adequate water service and pressure for firefighting purposes, for any development at 24 Brock Street North, permitted by By-law 3581-86, as amended.”
(ii) That the zoning by-law described in Appendix "C" be further amended by adding the following subsection (ii) to Section 3(a):

"(ii) Notwithstanding Sections 3.2.34 (Grade) and 3.2.38 (Height) within By-law No. 3581-86 (Dundas), for the purpose of this by-law the following shall apply: Building Height shall be determined by the mean elevation of all the existing ground adjoining the building or structure and within 4.5 metres of it."

(c) That staff be directed to advise the OMB that the City of Hamilton and EcoBuilding Corp. have settled the zoning by-law amendment by EcoBuilding Corp. on the basis of the zoning by-law amendments attached as Appendix “C” and “F” to Appendix “A” to Report LS13020, as amended by Council.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. PUBLIC HEARING ITEMS

6.1 City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101) (Ward 6)

Correspondence from
(i) Eldon Tunks and Liliana Monti
(ii) Rodger Glover and Bertram Glover

6.2 Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study (PED13099/PW13040) (Ward 11)

Correspondence from:
(i) Richard and Kathie Linneborn
(ii) Albert Lateo
(iii) Aldo and Joanne Castelli
(iv) Purdeep Sangha
(v) Carl Galli - NGE Land Holdings Inc
A petition containing 411 names:

“I do not support the plan that was presented on May 23rd, 2013.

I am asking that the “preferred plan” Concept “C”, April 2009, that was developed on behalf of the community and endorsed by the Community Advisory Committee and the City, be used on a go forward basis.

I am asking that the City work with the community’s Community Advisory Committee to implement the April 2009 “preferred plan” mentioned above, and the vision statement that was developed on
The Agenda for the June 4, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) May 14, 2013

The Minutes of the May 14, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Mike Whaling respecting follow up on illegal businesses (Item 4.1)

The delegation request from Mike Whaling respecting follow up on illegal businesses, was approved for a future meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101) (Ward 6) (Item 6.1)

Correspondence from:
(i) Eldon Tunks and Liliana Monti
(ii) Rodger Glover and Bertram Glover

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 City Initiative to amend the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a
party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The staff presentation respecting Report PED13101, City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton), was waived.

The correspondence respecting Report PED13101, City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton), was received.

The public hearing respecting Report PED13101, City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton), was closed.

The recommendations contained in Report PED13101, City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton), were amended by adding a new sub-section (b), to read as follows:

“(b) That staff review and report back on the existing zoning regulations for the area along Mountain Brow Boulevard from 340 Mountain Brow Boulevard to Mohawk Road East.”

For disposition on this Item, refer to item 3.

(ii) Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study (PED13099/PW13040) (Ward 11) (Item 6.2)

Correspondence from:
(i) Richard and Kathie Linneborn
(ii) Albert Lateo
(iii) Aldo and Joanne Castelli
(iv) Purdeep Sangha
(v) Carl Galli - NGE Land Holdings Inc
(vi) Yvette Campagne
(vii) Steve Amberman
(viii) Ivo Biancucci
(ix) Llewellyn Smith
(x) Laura Bamford
(xi) John Lorna Baron
(xii) Glenn Wellings - Wellings Planning Consultants Inc.
In accordance with the provision of the Planning Act, Acting Chair B. Clark 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 Secondary Plan, Official Plan Amendments and the Stoney Creek Urban Boundary Expansion, 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.

Alissa Mahood, Senior Planner, and Nahed Ghbn, Senior Project Manager Water/Wastewater Planning, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.
The staff presentation respecting Report PED13099/PW13040, Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study, was received.

Public Speakers:

1. John (Jay) Soltes – 1189 Hwy #8, Winona, ON L8E 5K2
   Mr. Soltes expressed concerns as a farmer, for potential complaints from new residents from farming (smoke, pesticides, noise, early morning work, dust). He also expressed concerns with trespassing on private property, water drainage, air drainage for tender crop farming.

2. Jack Restivo – Yachetti, Lanza & Restivo LLP, 154 Main St. East, Suite 100, Hamilton, ON L8N 1G9
   Mr. Restivo expressed concerns with the advisory committee’s role in the process of this matter, the balance of density, and spoke positively of the secondary plan.

3. Dan Gabriele – Marz Homes Holdings Inc. 115 Hwy #8, Stoney Creek, ON L8G 1C1
   Mr. Gabriele spoke positively of the secondary plan.

4. Paul Granich – 717 Hwy #8, Stoney Creek, ON L8E 5J6
   Mr. Granich expressed concern with the North-South collector road location.

5. Mark De Benedictis - Benemar Construction Inc. 40 Bookjans Dr., Ancaster, ON L9G 0B6
   Mr. De Benedictis expressed concerns with the secondary plan.

6. Chris Douglas – 205 Fruitland Rd., Stoney Creek, ON L8E 5J7
   Mr. Douglas expressed concern with the process and time lines for the secondary plan and truck traffic concerns.

7. Heidi Hand – 315 Winona Rd., Stoney Creek, ON L8E 5H1
   Ms. Hand expressed concerns with the repercussions from the secondary plan.
8. Steve Stipsits – President, Branthaven Homes, 720 Oval Court, L7L 6A9
   
   Mr. Stipsits spoke positively of the secondary plan.

9. Shawn Tombolini – 278 Lewis Rd., Stoney Creek, ON L8E 5H1
   
   Mr. Tombolini expressed concerns with the secondary plan as a farmer.

10. Diane Chapman, Amy Chapman and Mary Walford – 748 Barton Street, Stoney Creek, ON L8E 5L7
    
    Ms. D. Chapman, Ms. A. Chapman and Ms. Walford expressed concerns with the process and information sessions and are concerned with expropriation for the secondary plan. They were informed that the City does not expropriate due to the costliness of the process.

11. Peter Djeneralovic – 238 Jones Rd., Stoney Creek, ON L8E 5J5
    
    Mr. Djeneralovic expressed concerns with the secondary plan.

12. Georgina Beattie – PO Box 10002, Winona, ON L8E 5R1
    
    Ms. Beattie expressed concerns with process and the secondary plan.

    
    Ms. Giammarco expressed concerns regarding the secondary plan.

14. Cal DiFalco – 243 Fruitland Rd., Stoney Creek, ON L8E 5J8
    
    Mr. DiFalco expressed concerns with the secondary plan and displacement of people.

15. Jeanne & Peter Wial – 275 Fruitland Rd., Stoney Creek, ON L8E 5L6
    
    Mr. Wial and Ms. Wial expressed concerns with the secondary plan and the public process as well as road widening.

16. The Sertic Family – 738 Barton St., Stoney Creek, ON L8E 5L7

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The Sertic Family expressed concerns with expropriation and the secondary plan.

17. Grant Cook – 231 Fruitland Rd., Stoney Creek, ON L8E 5J8

Mr. Cook expressed concerns with emergency response services and other concerns respecting the secondary plan.

18. Correena Walford - 748 Barton St., Stoney Creek, ON L8E 5L7

Ms. Walford’s concerns were development and where to relocate.

19. Teresa DiFalco – 243 Fruitland Rd., Stoney Creek, ON L8E 5J8

Member of Fruitland Winona Community Advisory Committee and current President for Safe and Healthy Neighbourhood, Ms. DiFalco expressed concerns with respect to how the secondary plan made its way through the process and requested that this item be deferred until such time that proper community engagement can take place. She also is not against development but wants responsible and respectful development.

20. Victor Fontana – 32 Liuna Ct., Stoney Creek, ON L8E 5Z1

Mr. Fontana expressed concerns related to the secondary plan.


Mr. Johnston, on behalf of his clients (owners of 212 Fruitland Road, Homes by DeSantis, and owners of 286 Lewis Road), expressed concerns respecting the secondary plan. Mr. Johnston provided letters respecting his clients concerns for the public record.

22. Judy Kovacs – 232 McNeilly Rd., Stoney Creek, ON L8S 1H1

Ms. Kovacs on behalf of her mother expressed concerns with the designation of her land as park land.

23. Angela Goodwin – 1036 Barton St., Stoney Creek, ON L8E 5H3

Ms. Goodwin expressed concerns with the properties and current designs.
24. Ken Audziss – 71 Chiara Dr. S., Stoney Creek, ON L8E 6H1

Mr. Audziss expressed concern with the public process and OMB rulings.

25. Steve Fraser

Mr. Fraser, on behalf of Steve Spicer, Multi-Area Developments Inc., expressed concerns with zoning at 1083 Hwy #8.


Mr. Rudolph, on behalf of DalBello, expressed concerns respecting zoning and transportation policies.

The public presentations, items of correspondence and petition respecting Report PED13099/PW13040, Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study, were received.

The public meeting respecting Report PED13099/PW13040, Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study, was closed.

The recommendations contained in Report PED13099/PW13040, Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study (Ward 11), were amended by adding new sub-sections (f), (g) to read as follows:

(f) That the findings and solutions identified in the individual drainage and flooding assessments be integrated into the Block Servicing Strategies and subsequent Draft Plan of Subdivision to the satisfaction of the Senior Director of Growth Management.

(g) That Appendix "A" to Report PED13099/PW13040 be amended for the properties known municipally as 339 and 347 Fifty Road (Foothills of Winona) by adding the following Area Specific Policy:

13.2.23.9 Area Specific Policy - Area I

For the lands located at 339 and 347 Fifty Road and as shown as Area Specific Policy - Area I on Schedule A2-1 - Fruitland-Winona Secondary Plan - Land Use Plan, the following policy shall apply:
(a) In addition to Policy 13.2.4.2c) - Low Density Residential, all forms of townhouses shall be permitted in accordance with Official Plan Amendment No. 174.

A similar amendment to the Urban Hamilton Official Plan will be required at the time the Urban Hamilton Official Plan amendment comes forward for approval;

That the recommendations contained in Report PED13099/PW13040, Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study (Ward 11), be amended by adding a new sub-section (h) to read as follows:

(h) That apartment buildings be prohibited, buildings to include are singles, semis, duplexes, towns and street towns only at a maximum of 11 metres in height in the Fruitland-Winona Secondary plan, Official Plan Amendments and Stoney Creek Urban Boundary Expansion;

The amendment was DEFEATED on the following vote:

Yeas: R. Pasuta, B. Johnson
Total: 2
Nays: J. Partridge, J. Farr, C. Collins, M. Pearson, B. Clark
Total: 5
Absent: L. Ferguson, T. Whitehead
Total: 2

The recommendations contained in Report PED13099/PW13040, Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study (Ward 11), were amended by adding a new sub-section (h) to read as follows:

(h) That Medium Density Residential 3 be replaced with Medium Density Residential 2 on Schedule A2-1 of Appendix “A” and Map B.7.4-1 of Appendix “B” and that all corresponding text changes be made;

The amendment CARRIED on the following vote:

Yeas: J. Farr, J. Partridge, C. Collins, B. Clark
Total: 4
Nays: M. Pearson, R. Pasuta, B. Johnson

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Total: 3
Absent: L. Ferguson, T. Whitehead
Total: 2

Councillor Johnson wished to be on the record for her opposition to buildings being more than 11 metres in height.

The recommendations contained in Report PED13099/PW13040, Fruitland-Winona Secondary Plan and Official Plan Amendments and Stoney Creek Urban Boundary Expansion Sub-watershed Study (Ward 11), were amended by adding a new sub-section (i) to (r) to read as follows:

(i) That City Staff and the Mayor be directed to correspond with Go Transit to expand buses to the large Winona commercial development;

(j) That funding from the common cost budget be provided for a mail out in Wards 10 and 11 to further inform the residents of Council’s decision, outside of the appeal period, with respect to the Fruitland- Winona Secondary Plan and Official Plan Amendments;

(k) That all references in the Fruitland-Winona Secondary Plan and Official Plan Amendments to waste management facilities and transportation yards be deleted;

(l) That Policy 13.2.7 (c) on page 27 of Appendix “A” to Report PED13099/PW13040, be deleted and replaced with the following:

“The City will negotiate with developers to encourage the construction of neighbourhood parks on the City’s behalf during the construction of the subdivision.”

(m) That Hamilton Street Railway staff be directed to explore the extension of services to the large Winona commercial development;

(n) That the properties known as 1065 Highway No. 8 and 1083 Highway No. 8 be re-designated to Local Commercial on Schedule A2-1 of Appendix “A” and Map B.7.4-1 of Appendix “B;

(o) That staff report back on the revised total number of projected units, population and persons and jobs per hectare calculation before the next Council meeting on June 12, 2013;
(p) That the vision statement be reinstated in Appendix “A” to Report PED13099/PW13040 to the original wording of the vision that was prepared by the Community Advisory Committee;

(q) That Appendix "A" to Report PED13099/PW13040 be amended for the property known municipally as 269 Glover Road by adding the following Site Specific Policy:

13.2.23.10 Site Specific Policy - Area J

For the lands located at 269 Glover Road and as shown as Site Specific Policy - Area J on Schedule A2-1 - Fruitland-Winona Secondary Plan - Land Use Plan, the following policy shall apply:

(a) In addition to Policy 13.2.23.8 - Area Specific Policy- Area H, Policy 13.2.4.2 – Low Density Residential, and Policy 13.2.7 – Parks and Open Space, the following uses shall be permitted:

   ii) The existing private club and ancillary banquet hall.

(r) That the Outstanding Business List item, respecting the Stoney Creek Urban Boundary Expansion (SCUBE) – Sub-watershed Study, be identified as complete and be removed from the Planning Committee Outstanding Business List.

For disposition on this Item, refer to item 4.

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

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item E: Racing Pigeons
Current Due Date: June 4, 2013
Proposed Due Date: June 18, 2013

(bb) Item M: RV Parking
Current Due Date: June 4, 2013
Proposed Due Date: July 9, 2013

(cc) Item P: Regulation of Rental Housing
Current Due Date: June 4, 2013
Proposed Due Date: June 18, 2013

(dd) Item S: Parking on One-Way Streets
Current Due Date: June 4, 2013
Proposed Due Date: June 18, 2013

The following items were removed from the Outstanding Business List:

(aa) Item W: Stoney Creek Urban Boundary Expansion (SCUBE) – Sub-Watershed Plan

(bb) Item O: 2013 Tariff of Fees (PED12231)

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

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

(g) PRIVATE AND CONFIDENTIAL (Item 12)

At 7:15 p.m., Committee moved into Closed Session to consider items, 12.1, 12.2 and 12.3 which are subject to Section 239.2 (e) and (f) of the Municipal Act and Section 8.1(e) and (f) of the Procedural Bylaw as the subject matter of this item pertains to:
- litigation or potential litigation, including matters before administrative tribunals affecting the City, and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 7:20 p.m.


For disposition on this Item, refer to item 7.
(ii) **Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction (LS13021) (City Wide) (Item 12.2)**

For disposition on this Item, refer to item 8.

(iii) **Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas (LS13020) (Ward 13) (12.3)**

For disposition on this Item, refer to item 9.

(h) **ADJOURNMENT**

There being no further business, the Planning Committee adjourn at 7:23 p.m.

Respectfully submitted,

Councillor J. Farr  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk
Appendix “A” to Item 7 of Planning Report 13-009
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History:
The DTF group appealed 18 policies in the Urban Hamilton Official Plan (10 policies in Volume 1 and 8 policies in Volume 2 - Secondary Plans). The appeals focussed on:

- the use of the term “prohibition” in the UHOP;
- the “prohibition of drive through facilities” in certain geographic locations within the Commercial designations and specific Secondary Plans; and,
- urban design requirements associated with such facilities.

Existing Urban Hamilton Official Plan Policies
Drive through facilities are not permitted in the Downtown or on pedestrian predominant streets within the Mixed Use – High Density and Medium Density Designations. In addition, they are not permitted in the Downtown Secondary Plan, Setting Sail Secondary Plan (except for one site), and pedestrian predominant streets within Ancaster, Binbrook, Ainslie Wood Westdale and Old Town Secondary Plans.

The OP also includes urban design policies that regulate built form on the pedestrian predominant streets as well as policies for drive through facilities in other areas.

Settlement:
Planning staff, along with Paul Lowes the City’s consultant on commercial OP policies met with the planners representing the DTF group to understand the basis of their appeals and to determine if there were changes to the policies that would satisfy the City and the DTF groups’ objectives. Based on these discussions, planning staff are recommending changes to policies in Volume 1. No changes were made to the Secondary Plans in Volume 2.

The policy changes to Volume 1 can be summarized as follows and the details are found in Table 1 below:

1. maintain the term prohibition for the Downtown since this prohibition is historic.
2. delete the term “prohibited” and replace it with “shall be permitted” provided certain tests are met in the Mixed Use – High Density and Medium Density Designations;
3. introduce requirements/tests that need to be met should a drive thorough facility wish to locate in pedestrian predominant streets or within other areas where they are currently not permitted. Both an Official Plan Amendment and Zoning By-law Amendment are required; and,
4. add site specific provisions to allow three existing drive through facilities which are located on pedestrian predominant streets.

Recommendation:

Amend Policies within Volume 1, Section E.4 – Commercial Designations, detailed in the section above. The changes can be supported on the basis:

- the intent and purpose of the Official Plan respecting drive though facilities has been maintained;

- the introduction of OP and Zoning By-law tests for the location of future facilities is appropriate to ensure that development along pedestrian predominant streets occurs in a manner that implements the principles and policies of the OP; and,

- the three existing drive through facilities on pedestrian predominant streets will be recognized as legal conforming uses.
Table 1: Proposed Volume 1 Policy Changes respecting Drive Through Facilities

**Bold type** is to add a new wording; **strikeout** is to delete wording, highlighting identifies all changes

### E.4.3 Pedestrian Predominant Streets

#### 4.3.1

Within lands designated Mixed Use – **High Density and** Medium Density on Schedule E-1 – Urban Land Use Designations, the following streets shall be planned as pedestrian predominant streets:

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancaster</td>
<td>Wilson Street East</td>
<td>Halson Street Rousseaux Street</td>
</tr>
<tr>
<td>Dundas</td>
<td>King Street</td>
<td>York Road</td>
</tr>
<tr>
<td>Flamborough</td>
<td>Franklin street</td>
<td>Dundas Street</td>
</tr>
<tr>
<td></td>
<td>Dundas Street (Hwy 5)</td>
<td>Mill Street</td>
</tr>
<tr>
<td></td>
<td>Mill Street</td>
<td>Griffin Street</td>
</tr>
<tr>
<td></td>
<td>Main Street</td>
<td>Barton Street</td>
</tr>
<tr>
<td></td>
<td>Flamboro Street</td>
<td>Barton Street</td>
</tr>
<tr>
<td>Glanbrook</td>
<td>Highway 56</td>
<td>Maggie Johnson Drive</td>
</tr>
<tr>
<td></td>
<td>Binbrook Road</td>
<td>Kaufman Drive</td>
</tr>
<tr>
<td>Hamilton</td>
<td>King Street</td>
<td>Longwood Road</td>
</tr>
<tr>
<td></td>
<td>Wellington Street</td>
<td>Queen Street</td>
</tr>
<tr>
<td></td>
<td>James Street North/South</td>
<td>CN Railway Tracks</td>
</tr>
<tr>
<td></td>
<td>Kenilworth Avenue North</td>
<td>Barton Street</td>
</tr>
<tr>
<td></td>
<td>Locke Street</td>
<td>Main Street West</td>
</tr>
<tr>
<td></td>
<td>Barton Street</td>
<td>Sherman Avenue</td>
</tr>
<tr>
<td></td>
<td>Ottawa Street</td>
<td>Barton Street</td>
</tr>
<tr>
<td></td>
<td>Concession Street</td>
<td>East 33rd Street</td>
</tr>
<tr>
<td></td>
<td>Upper James Street</td>
<td>Brucedale Avenue</td>
</tr>
<tr>
<td></td>
<td>Upper Wellington Street</td>
<td>Inverness Avenue (just north)</td>
</tr>
<tr>
<td>Stoney Creek</td>
<td>King Street</td>
<td>Faircourt Drive</td>
</tr>
</tbody>
</table>
4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to pedestrian predominant streets:

a) A minimum of 75% of the block face located between two roads shall be developed with buildings.

b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted to be located between the buildings and the street, except as set out in E.4.3.4 g).

c) Each building or store front shall face onto the pedestrian predominant street with the main entrance of each building or store and substantial fenestration facing on to the street.

d) Drive-through facilities shall not be permitted.

e) Residential uses shall not be permitted on the ground floor of a building facing onto a pedestrian predominant street.

f) On-street parking shall be provided where feasible and appropriate.

g) A minimum height of two storeys shall be encouraged.

h) Single use buildings exceeding a ground floor area of 5,000 square metres shall generally be directed to the interior of a property with smaller stores oriented onto the pedestrian predominant street in front of the larger stores. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape.

i) Sidewalks shall be required on both sides of the street and shall be of sufficient width to:

   i) accommodate anticipated pedestrian volumes;

   ii) comfortably and safely accommodate the needs of persons with disabilities and seniors;

   iii) ensure sufficient space for coordinated street furnishings, public utilities, and tree plantings; and,

   iv) accommodate sidewalk cafés, kiosks, and street vendors where possible.

j) Transit shelters and stops shall be provided, where appropriate;

k) New buildings and spaces shall be designed to reflect a human scale of development, contribute to public safety and security, and create a significantly enhanced pedestrian environment.
k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.

l) Hotels shall be encouraged to locate on pedestrian predominant streets with the main façade and entrance facing the pedestrian predominant street. The main automobile arrival areas may be located on a pedestrian predominant street provided the pedestrian circulation is accommodated.

E.4.4 Downtown Mixed Use Designation

Permitted Uses

4.4.5 Notwithstanding Policy E.4.4.4, the full range of uses shall not be permitted throughout the lands designated Downtown Mixed Use. Some parts of the lands designated Downtown Mixed Use, as identified in the Downtown Secondary Plan, consist of stable, low rise residential areas, and it is the intent of the Plan for these areas to remain. The Downtown Secondary Plan and zoning by-law establish more detailed land use designations and permitted uses which apply to specific areas of the Downtown.

4.4.15 Applications to amend this Plan and/or the City’s Zoning By-law to permit a drive-through facility in a Downtown Mixed Use designation shall require demonstration that the proposed drive-through facility:

a) cannot be located in other potential locations outside the Downtown Mixed Use designation;

b) addresses the applicable policies of the Downtown Hamilton Secondary Plan;

c) complies with the requirements of policies E.4.3.4 for drive through facilities located on pedestrian predominate streets, including demonstration that the proposed drive-through facility:
   i) Does not change the existing and planned streetscape character;
   ii) Maintains the pedestrian environment; and
   iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.

d) shall not preclude the planned function and design intent for the pedestrian predominant street including:
   i) A comfortable, active and visually stimulating walking and shopping environment;
   ii) A streetscape with buildings and storefronts oriented to the street;
e) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;

f) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

E.4.5 Mixed Use - High Density Designation

Permitted Uses

4.5.5 The following uses shall be permitted on lands designated Mixed Use - High Density on Schedule E-1 – Urban Land Use Designations:

a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, personal services, financial establishments, live work units, artist studios, restaurants, and gas bars and drive-through facilities;

b) Notwithstanding Policy E.4.5.5 a), drive-through facilities on pedestrian predominant streets shall only be permitted in accordance with Section E.4.5.21 and all other applicable policies of this Plan.

c) institutional uses such as hospitals, places of worship, and schools;

d) arts, cultural, entertainment, and recreational uses;

e) hotels, conference and convention centres [Mod 33];

f) multiple dwellings; and,

g) accessory uses.

Prohibited Uses

4.5.6 Notwithstanding Policy E.4.5.5, the following uses shall be prohibited on lands designated Mixed Use - High Density on Schedule E-1 – Urban Land Use Designations:

a) drive-through uses on pedestrian predominant streets;

b) gas bars and car washes on pedestrian predominant streets;

c) vehicle dealerships; and,

d) garden centres as a primary use.

4.5.21 Applications to amend this Plan and/or the City’s Zoning By-law to permit a drive-through facility on a pedestrian predominant street in a Mixed Use – High Density designation shall require demonstration that the proposed drive-through facility:
a) cannot be located in other potential locations in the Mixed Use-High Density designation which are not part of the pedestrian predominant street;

b) complies with the requirements of policies E.4.3.4 including demonstration that the proposed drive-through facility:
   i) Does not change the existing and planned streetscape character;
   ii) Maintains the pedestrian environment;
   iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.

c) shall not preclude the planned function and design intent for the pedestrian predominant street including:
   i) A comfortable, active and visually stimulating walking and shopping environment;
   ii) A streetscape with buildings and storefronts oriented to the street;

d) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;

e) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

E.4.6 Mixed Use - Medium Density Designation

Permitted Uses

4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, and gas bars, and drive-through facilities;

b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on pedestrian predominant streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.

c) b) institutional uses such as hospitals, places of worship, and schools;

d) e) arts, cultural, entertainment, and recreational uses;

e) d) hotels;
Prohibited Uses

4.6.6 The following uses shall be prohibited on lands designated Mixed Use - Medium Density on Schedule E-1 - Urban Land Use Designations:

a) drive-through facilities on pedestrian predominant streets;

b) gas bars and car washes on pedestrian predominant streets;

c) vehicle dealerships; and,

d) garden centres as a primary use.

4.6.29 Applications to amend this Plan and/or the City’s Zoning By-law to permit a drive-through facility on a pedestrian predominant street in a Mixed Use – Medium Density designation shall require demonstration that the proposed drive-through facility:

a) cannot be located in other potential locations in the Mixed Use-Medium Density designation which are not part of the pedestrian predominant street;

b) complies with the requirements of policies E.4.3.4 including demonstration that the proposed drive-through facility:

i) Does not change the existing and planned streetscape character;

ii) Maintains the pedestrian environment; and

iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.

c) shall not preclude the planned function and design intent for the pedestrian predominant street including:

i) A comfortable, active and visually stimulating walking and shopping environment;

ii) A streetscape with buildings and storefronts oriented to the street;

d) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;

e) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.
4.6.30 Notwithstanding the uses permitted in Section E.4.6.5 b) – Mixed Use-Medium Density Designation, drive through facilities within the buildings existing at the date of final approval and coming into effect of the Sections of this Official Plan shall be permitted on the following properties:

a) 130-136 Kenilworth North;

b) 473 Concession Street; and,

c) 370 Wilson St East (Ancaster).