



Planning Committee
REPORT 11-001
Tuesday, January 18, 2011
9:30 am
Council Chambers
City Hall, 71 Main Street West,
Hamilton, Ontario

Present: Chair: Councillor R. Pasuta
Vice Chairs: Councillors B. Clark, J. Farr
Councillors: C. Collins, L. Ferguson, B. Johnson, J. Partridge,
M. Pearson, T. Whitehead

Also Present: Councillor B. McHattie

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
B. Janssen, M. Hazell, S. Robichaud, M. Sergi, C. Thomas,
P. Mallard, T. Sergi, B. Young, D. Falletta, D. Fama, E. John,
G. Macdonald, M. House - Planning and Economic Development
T. McKenna – Public Works
D. Fisher, L. Pasternak – Legal Services
A. Rawlings, C. Newman – City Clerk's Office

**THE PLANNING COMMITTEE PRESENTS REPORT 11-001 AND RESPECTFULLY
RECOMMENDS:**

- 1. Hamilton Community Heritage Fund Loan Program Application (HCHF2011-001) for Property Located at 107 Mill Street North (Waterdown) (PED11006) (Ward 15) (Item 5.1)**

That approval be given to **Hamilton Community Heritage Fund Loan Program Application (HCHF2011-001)**, for property located at 107 Mill Street North (Waterdown), as shown on Appendix "A" to Report PED11006, subject to the following:

- (a) That a loan commitment of \$14,999.00 be approved, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program, for masonry repointing and stabilization of a structural beam.

- (b) That the applicant shall provide copies of any structural drawings or plans submitted for the purposes of obtaining a Building Permit or other City approvals, to the satisfaction and approval of Planning staff.
- (c) That the Mayor and Clerk be authorized and directed to execute the Loan Agreement and security documentation with respect to Recommendation (a), in a form satisfactory to the City Solicitor.
- (d) That the General Manager of the Planning and Economic Development Department be authorized to amend the Loan Agreement provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.
- (e) That Report PED11006 be forwarded to the Hamilton Municipal Heritage Committee (HMHC) for information.

2. Erland Lee Home and Museum (Hamilton Municipal Heritage Committee Report 10-003) (Item 5.2)

That the Hamilton Municipal Heritage Committee be authorized to send a letter to the Federated Women's Institutes of Ontario requesting further details regarding the closure of the Erland Lee Museum Home, 522 Ridge Road, Stoney Creek, Ontario and the future plans regarding this location deemed to be a Historic Site under the Ontario Heritage Act and a National Historic Site.

3. Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 9800 and 9814 Twenty Road West (Glanbrook) (PED11002) (Ward 11) (Item 6.1)

That approval be given to Zoning Application ZAC-10-040, by 672385 Ontario Inc., c/o Sam Battaglia, Owner, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Existing Residential "ER" Zone to the Residential "R4-263" Zone, with a Special Exception (Block "1"), the Residential - Holding "H-R4-263" Zone, with a Special Exception and Holding Provision (Block "2"), and to the Existing Residential "ER-264" Zone, with a Special Exception (Block "3"), in order to permit seven lots for single-detached dwellings, one part of a lot in order to create an additional lot for a single-detached dwelling, and one part for future residential development, for lands located at 9800 and 9814 Twenty Road West (Glanbrook), as shown on Appendix "A" to Report PED11002, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (b) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Glanbrook Official Plan.
4. **Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 72 Creanona Boulevard (Stoney Creek) (PED11008) (Ward 11) (Item 6.2)**

That approval be given to **Zoning Application ZAR-10-037, by Frank Lucato, Owner**, for a change in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone, in order to permit the development of one single-detached dwelling, fronting onto Montreal Circle, for lands located at 72 Creanona Boulevard (Stoney Creek), as shown on Appendix "A" to Report PED11008, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11008, 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 Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan.

5. **Proposed Official Plan Amendment and Zoning By-law Amendment Affecting Lands Located at 273 Parkside Drive, Waterdown (Flamborough) (PED10240(a)) (Ward 15) (Item 6.4)**

- (a) That approval be given to **Official Plan Amendment Application OPA-09-011, by the YFC Foundation, Owner**, for Official Plan Amendment No. [REDACTED], to amend the Official Plan for the former Town of Flamborough, to establish a Site-Specific Area to permit a Youth Centre, for lands located at 273 Parkside Drive (Flamborough), as shown on Appendix "A" to Report PED10240(a), on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED10240(a), be adopted by Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, conforms to the Places to Grow Growth Plan, and

conforms to the former Region of Hamilton-Wentworth Official Plan.

- (b) That approval be given to **Amended Zoning Application ZAC-09-041, by the YFC Foundation, Owner**, for a change in zoning from the Site-Specific Urban Residential (Single-Detached) "R1-5" Zone to the Site-Specific Neighbourhood Institutional (I1, 38, H41) - Holding Zone, with a Special Exception to permit a Youth Centre, on lands located at 273 Parkside Drive, as shown on Appendix "A" to Report PED10240(a), on the following basis:
- (i) That the Draft By-law, attached as Appendix "C" to Report PED10240(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
 - (ii) That the amending By-law be added to Schedule 445 of Zoning By-law No. 05-200.
 - (iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan.
 - (iv) That the proposed change in Zoning will be in conformity with the Town of Flamborough Official Plan upon approval of Official Plan Amendment No. [REDACTED], and is in conformity with the Hamilton Urban Official Plan.
6. **Application for an Amendment to a Ministry of Environment Provisional Certificate of Approval (No. A650135) for Expansion to a Waste Disposal Site (Non-Hazardous Solid Waste Transfer and Processing Facility), Ministry of Environment Reference 2053-88NLWM, 464 Rennie Street (Hamilton) (PED11001) (Ward 4) (Item 8.1)**

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving **Amended Application CA-10-006, by BFI Canada Inc., Applicant**, for an Amendment to Provisional Certificate of Approval No. A650135, MOE Reference #2053-88NLWM, to permit the annualized daily average of residual waste that is transferred from the subject lands to disposal sites to increase from 200 tonnes per day to 600 tonnes per day, for the lands located at 464 Rennie Street (Hamilton), as shown on Appendix "A" to Report PED11001, the City of Hamilton requests:

- (a) That, if approved, the Amendment to the Certificate of Approval includes the following requirements:
- (i) That the Certificate of Approval stipulates the maximum allowed tonnage to be received (1,000 tonnes) and shipped (200 tonnes) daily.
 - (ii) That adequate mitigation plans continue to exist/be modified to address all nuisance issues such as dust, litter, vermin, and odour.

- (iii) That consideration of a maximum odour unit at the most sensitive receptor be included.
 - (iv) That spill prevention and containment measures will be dealt with through the Certificate of Approval. Also, that any solid and liquid waste will be appropriately dealt with following the proper MOE Guidelines.
 - (v) That contingency plans for spills on and off the site, and clean-up procedures, are covered under the company's Spill Prevention Control and Counter Measure Plan. This plan includes the City of Hamilton (City) Spill Reporting Line (905) 540-5188, and shall continue to do so.
 - (vi) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable MSDS sheets, be externally stored in a secure location (exterior lock box) on site at the front gate in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire 24/7. 365.
 - (vii) That the operation receives total compliance with the Fire Safety Inspection Report for the property.
 - (viii) That the applicant demonstrates that there is sufficient space available on site for trucks to queue in the event that stacking spills out onto the roadway.
 - (ix) That the waste accepted be limited to waste generated only from the Province of Ontario.
 - (x) That the proponent be required to provide financial assurance to the MOE to cover final clean-up of the site, following the cessation of use.
 - (xi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.
- (b) That a copy of Report PED11001 be forwarded to the Environmental Assessment and Approvals Branch of the MOE for their consideration.
 - (c) That the Environmental Assessment and Approvals Branch of the MOE be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.
 - (d) That a representative of the Ministry of Environment be invited to a future meeting of the Planning Committee to discuss the Certificate of Approval process.

7. Selection process for Volunteer Committees-establishment of sub-committee to consider applications for Heritage Permit Review Committee) (Item 11.1)

That Councillors Lloyd Ferguson and Maria Pearson be appointed to the Selection Sub-Committee respecting the Heritage Permit Review Sub-Committee

8. St. Mary's Cement Inc. (Canada) – Referral of appeal of Minister's Zoning Order 138/10 to Ontario Municipal Board - Flamborough (Item 12.1)

- (a) That City of Hamilton seek party status before the Ontario Municipal Board to oppose the request of St. Mary's Cement Inc to revoke or amend Ministerial Zoning Order No.138/10;
- (b) That the City Solicitor be authorized and directed to appear, and appropriate City staff be authorized and directed to give evidence, before the Board in this matter;
- (c) That the City Solicitor be authorized to retain such outside expertise – including legal counsel – as may be required to implement the above recommendations;
- (d) That the cost of retaining outside counsel and experts be funded, firstly through the 2011 budget, secondly through year-end Corporate surpluses, and lastly through the Tax Stabilization Reserve.
- (e) That the staff memo respecting this item, dated January 11, 2011, remain confidential and not be released to the public.
- (f) And that this decision be forwarded to AMO and to the Region of Halton, the City of Burlington, and the Town of Milton.

9. St. Mary's Cement Inc. (Canada) – Referral of Appeal of Minister's Zoning Order 138/10 to Ontario Municipal Board – Flamborough (Item 12.1)

- (a) That the Minister of Municipal Affairs and Housing be requested to notify the Ontario Municipal Board that the request of St. Mary's Cement Inc. to amend or revoke Minister's Zoning Order 138/10 is, or is likely to, adversely affect a matter of provincial interest.
- (b) And that this request be forwarded to AMO, to the Region of Halton, the City of Burlington, and the Town of Milton.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised that there were no changes to the agenda.

On a Motion (Collins/Farr) Committee approved the Agenda.

(b) DECLARATIONS OF INTEREST (Item 2)

None, at the start of the meeting. When Item 12.1, St. Mary's Quarry was being considered, Chair Pasuta declared that he had a potential conflict, as his farm is near the subject site. He noted he would speak to the Integrity Commissioner regarding this. Chair Pasuta refrained from voting on the matter.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the December 7, 2010 Planning Committee were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Judith Bishop, Chair, Hamilton Wentworth Board of Education, respecting parkland dedication (Item 4.1)

On a Motion, Committee approved the delegation to speak to Committee on February 15, 2011, when the staff report is on the agenda, on March 1, 2011.

(ii) Pat Daly, Chair, Hamilton Wentworth Catholic District School Board respecting parkland dedication (Item 4.2)

On a Motion, Committee approved the delegation to speak to Committee on February 15, 2011, when the staff report is on the agenda, on March 1, 2011.

(e) Hamilton Municipal Heritage Committee Report 10-003 (Item 5.2)

That recommendation contained in Report 10-003 of the Hamilton Municipal Heritage Committee was approved.

Councillor Johnson asked staff to be kept updated respecting the future use of the building.

Councillor Clark explained that he had received an email yesterday advising that the museum is not closing indefinitely, and that the organization is working on its future.

Councillor Johnson requested that Councillors be kept informed of any further developments.

(f) Minutes of the Municipal Heritage Committee November 25, 2010 (Item 5.3(a))

The Minutes of the Municipal Heritage Committee November 25, 2010 meeting were received, as presented.

(g) Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 9800 and 9814 Twenty Road West (Glanbrook) (PED11002) (Ward 11) (Item 6.1)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 the zoning application is approved and by-law is passed, 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.
- b) 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 the zoning application is approved and by-law is passed, 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.

On a Motion (Pearson /Clark), Committee dispensed with the planner's presentation.

Greg Macdonald was present to assist Committee.

James Webb, the agent for the applicant addressed Committee in support of the staff recommendatons.

No members of the public came forward to address the Committee.

Committee approved the staff recommendation.

(h) Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 72 Creanona Boulevard (Stoney Creek) (PED11008) (Ward 11) (Item 6.2)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 the zoning application is approved and by-law is passed, 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.
- b) 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 the zoning application is approved and by-law is passed, 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.

On a Motion (Pearson/Farr), Committee dispensed with the planner's presentation.

Danielle Fama was present to assist Committee.

Steve Fraser, AJ Clarke, the agent for the applicant, addressed Committee in support of the staff recommendatons. He noted that he had just received the archaeological clearance.

No members of the public came forward to address the Committee.

Committee approved the staff recommendation.

(i) **Applications for Approval of a Draft Plan of Subdivision and Amendments to the Ancaster Official Plan and Zoning By-law Nos. 87-57 and 05-200, for Lands Located at 431- 497 Southcote Road (Ancaster) (PED11005) (Ward 12) (Item 6.3)**

Chair Pasuta advised that two additional communications had been received and distributed;

Paul and Maryann Graham, 416 Southcote Road, Ancaster
Gilbert DiGregorio, 1520896 Ontario Limited, 27 Legend Court, Ancaster

On a Motion, Committee received the two letters.

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 Official Plan Amendment, and the draft plan conditions, and passes the 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.
- b) 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 Official Plan Amendment, and the draft plan conditions, and passes the by-law, 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.

Edward John was present to assist Committee and provided an overview of the proposal with the assistance of a powerpoint presentation. Highlights included, but were not limited to, the following:

- density and land use in accord with Secondary Plan, Official Plan Amendment needed to reduce lot frontages in mid-site, lot sizes fronting onto Southcote, and along eastern section of site are in accord with Secondary Plan Policies
- lots fronting onto Southcote have 15 metre frontages and will have hammerhead driveways to allow safer access to the road
- one letter from adjacent landowner expressed concern that future development of his land could be adversely impacted by proposed subdivision. Design of subdivision then amended to allow future road access to this land
- one letter from residents on Southcote expressed concern respecting traffic and safety of driveways onto Southcote. Traffic Division has reviewed application, agreed with hammerhead driveways for all these lots, advised

there will be continuous left turn lane on Southcote and expressed no safety issues.

- Design of subdivision includes provision of sidewalk along internal street, provides good pedestrian access to adjacent subdivision and to park
- Proposal is in conformity with Regional Official Plan, intent of Secondary Plan, Provincial Policy Statement, Places to Grow, has merit
- Concern expressed respecting temporary stormwater pond by Mr. Di Gregorio, this will be addressed by construction, in the future, of permanent stormwater pond through development changes
- Proposed zoning will allow encroachments of porches, bay windows, in accord with new urban standards.

The applicant's agent, James Webb, addressed Committee in support of the application and the staff recommendations. He introduced Don Husack, Dawn Victoria Homes, the developer of the subject property. Their points included, but were not limited to, the following:

- Dawn Victoria in business 25 years, offices at Upper Ottawa and Fennell
- Design of subdivision in accord with existing character of Ancaster, larger lots included, not designed just to maximize lot yield
- Permanent stormwater pond will be constructed on ORC lands. If there is need to use Di Gregorio temporary stormwater pond, then owner will be appropriately compensated.
- Agree with traffic comments respecting access/safety for 16 lots fronting Southcote, these are 15 metres wide, situation is safe and reasonable, application will facilitate the updates to Southcote
- Design is appropriate, need to achieve good housing design very important, looking forward to one new zoning by-law across the City.

No members of the public came forward to address Committee.

Committee discussed the matter in detail. Points raised included, but were not limited to, the following:

- are direct driveway accesses to Southcote, an arterial road, safe, even when hammerhead driveways are used?
- Why do so many applicants request variances to the existing by-laws, in this case reduced front and rear yards, encroachments of porches, bay windows?
- Why is it considered necessary to have so many changes to the by-law when this detracts from the existing character of the community of Ancaster and other communities where development is taking place?
- What happens to the land on which the temporary stormwater pond is built when it is removed?
- Is traffic information respecting volumes on Southcote up-to-date, should another study be required?

- Where are other examples of the proposed new urbanism designs around the City, and is this kind of design really beneficial?
- Have parking requirements been adequately addressed in design, are garages big enough for cars given that homes may be expected to have two plus cars, and this area not served by HSR?
- Should comments from by-law staff be included in consideration of this kind of subdivision?
- Can City change way in which we do business respecting new subdivisions, what kind of staff direction is needed to change things?
- How does City ensure that subdivision designs being requested by applicants have proper room to house blue and green boxes and their storage, snow storage, and other regular household requirements, and that good new development occurs?
- In last year, how many subdivision applications had one plus variances from the by-law, how many had zero variances?
- What happened to an earlier plan which proposed a separate road for the new houses on Southcote, which would have eliminated individual accesses?
- Are lots deep enough to take a hammerhead driveway as well as encroachments?

Staff responses included the following:

- staff consider hammerhead driveways an appropriate safety feature for access to Southcote, hammerhead driveways plus the proposed continuous left turn lane on Southcote will assist ingress/egress from new lots on Southcote
- traffic information for this area is up-to-date, on-going studies, including Garner Road Environmental Assessment, Ancaster Transportation Master Plan, Southcote Woodlands traffic study, have provided adequate information for the area, no need for developer to do another study
- if a new "condo" road built for new houses fronting Southcote, this would eliminate possibility of sidewalk on east side of Moreland, within the subdivision, provision of hammerhead driveways a good solution
- proposed new urban design is being approved and built across the City, difficulty of working with six different zoning by-laws, some of which are outdated, especially City of Hamilton which was approved in 1950. Staff moving towards better urban design for new subdivisions, use of neo-traditional concepts, pushing garage back from street, allowing porches and bay windows to project from houses, as well as other measures. This will be new standard in new zoning by-law, new zoning also includes lower lot coverage
- intensification, as required by Province, has meant significant changes in design, 60 or 70 foot lots are now a thing of the past
- examples of new urbanism seen in Falkirk West Neighbourhood, in 1990's, Spallacci lands on north side of Rymal, 50 Point Neighbourhood, former Titan Warehouse on Highway 8 and various locations in Waterdown
- comments from By-law are requested as part of development review, and are included in this and other subdivision reports

- new working group of Councillors, architects, developers and staff will be looking at new zoning regulations, and to develop new standards before by-law goes to public. Councillors from this Committee welcome to be involved.
- Design for Southcote lots includes mandatory hammerhead driveways, discretionary encroachments.
- When temporary stormwater pond removed, land is zoned for two single detached lots.

Committee continued their discussion and determined that additional information was needed before a decision was made.

On a Motion (Ferguson/Collins), the matter was referred back to staff, to bring forward a report to the Committee on February 15, 2011, addressing the following issues:

- drawing of a typical house/lot fronting Southcote, illustrating hammerhead driveway and potential encroachments;
- detailed explanation of parking arrangements for whole subdivision, including size of garages, arrangement of hammerhead driveways, demonstration of how 40% on-street parking requirement will work throughout the subdivision.
- Traffic volumes, traffic counts and traffic increases on Southcote in past five years

(j) Proposed Official Plan Amendment and Zoning By-law Amendment Affecting Lands Located at 273 Parkside Drive, Waterdown (Flamborough) (PED10240(a)) (Ward 15) (Item 6.4)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 Official Plan Amendment and passes the 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.
- b) 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 the before Council approves the Official Plan Amendment and passes the by-law 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.

On a Motion Committee received the following added communications which had been distributed today;

Waterdown District High School
 Arlene Reemeyer-Nagy, YFC Waterdown
 YMCA Hamilton/Burlington/Brantford
 Petition from approximately 180 people, supporting the application

The Clerk advised that this was the second Public Meeting for the subject application. She explained that while the first one was in progress, at the Committee Meeting of December 7, 2010, it was discovered that the meeting notice on the site had not been posted in accordance with the time requirements of the Planning Act. The meeting had therefore been terminated. A new Public Meeting had then been advertised and all those who had spoken had been advised of the date.

Cam Thomas was present to assist Committee and provided an overview of the proposal with the assistance of a powerpoint presentation. Highlights included, but were not limited to, the following:

- proposed Official Plan Amendment needed to allow non-residential use in the Urban Area
- proposed Youth Centre, to be run by Youth for Christ, international organization, faith-based approach. Have several other existing similar operations in Southern Ontario, including Milton, Simcoe, Orangeville
- proposed two storey, street-oriented building, compatible with adjacent dwellings, at Gateway to Waterdown, will have landscaping, green parking lot to house 9 cars
- one letter of objection from immediate neighbour, raised concerns respecting vandalism, parking issues, traffic problems at the intersection, potential for additional uses in future
- staff has discussed the matter with YFC and concerns are addressed as follows:
 - YFC not an after-hours program, will be well managed, parking lot surface will not permit skateboarding, chain will be placed across it after hours
 - The traffic division indicated no problems anticipated at signalized intersection, low accident rate not expected to increase, no need for further traffic study. However, traffic signal study being undertaken, results in 6 weeks approximately
 - Zoning proposed permits only Youth Centre and single detached dwelling. Any further change would need a re-zoning, will have "H" Holding, pending an archaeological assessment
 - Respecting design, building has been reduced by four metres in length, and parking area increased from 4 to 9 spaces
 - Application endorsed by Hamilton Police Services, Waterdown High School and YMCA
 - Centre will have three youth workers and a director

- Application has merit, in is accordance with Provincial Policy Statement, Places to Grow Plan, and intent of Official Plan.

Chair Pasuta vacated the Chair to Councillor Clark, to ask questions. In response to questions from Councillor Pasuta, staff advised that:

- road widening will be assessed at site plan stage, location of sidewalk also decided at site plan
- Youth Centre will operate approximately same hours as highschool
- Fencing and landscaping, as well as grade change, will permit adequate screening and privacy for adjacent property.

Chair Pastua resumed the Chair.

Ben Van Hoeve and Terry Wilk, agents for the applicant, addressed Committee in support of the staff recommendation. Their points included, but were not limited to, the following:

- Mr. Van Hoeve, volunteer director of YFC Development Committee, agrees with staff recommendation, commended Mr. Thomas for all his hard work, including visiting other youth centres
- Management of Centre will be by YFC/Youth Unlimited, which have 16 centres across South-West Ontario
- Location and design chosen for suitability for kids who will use centre
- Ownership of site is with local charitable foundation, has on-going local input, will remain part of local community
- Fits in with Hamilton vision – best place to raise a child.

Terry Wilk, landscape architect, provided more details of the site, with aid of a powerpoint presentation. His points included the following:

- building within 3-15 minute walk of most of Waterdown, good location at gateway node, in accord with City design guidelines
- site plan and location pedestrian oriented, should be City sidewalk around site
- explained distance of building and parking from adjacent owner, Mr. DeCarlo, as well as grade change, retaining wall and fence, will mitigate impact
- green parking lot, plastic base allows stormwater absorption, strong enough for emergency vehicles, does not permit skateboarding
- potentially will have vegetated roof
- video shownn is on YouTube as YFC concept drawings
- application in accord with GRIDS, OP, Vision 2020 and other City documents
- YFC sees hope and potential in every young person – and provides appropriate services to assist youth
- Design and size more than adequate for immediate need and future of 10-20 years, could not expand on existing lot. Any possible future expansion would need new space, either on an adjacent lot or elsewhere in village
- Present site donated, no government money provided for use
- When larger events planned, will be held off-site

- None of YFC Centres has any overnight or shelter accommodation
- Youth will be 13-18, these youth do not generally drive, will walk to centre
- Lighting will be handled on-site, to reduce spillover effects
- Hours in afternoon are 3:00-6:00 pm, possibly some Friday nights, youth worker lives in adjacent house.

Marcel Nott, youth worker with YFC, addressed Committee. His points included, but were not limited to, the following:

- used to work as volunteer at Waterdown District High School, became involved in music program, led to a recording studio at school, and a recording studio to be included in YFC centre
- youth will walk to site, don't have cars, sometimes a youth will be dropped off but not the norm.

Chair Pasuta vacated the Chair to Councillor Clark, in order to ask questions of staff. He noted he supported the centre but had traffic concerns. Staff responded as follows:

- Traffic Division did not indicate any safety issues respecting proximity to traffic light, or siting of access driveway
- Traffic looking at intersection, light phasing, review of collisions – will report by mid-February.

Chair Pasuta resumed the Chair.

Orlando DeCarlo, 606 Hamilton Street North, addressed Committee. Mr. DeCarlo read from a prepared letter, copies of which were provided to the Clerk for the public record. His comments included, but were not limited to, the following:

- in favour of a youth centre in Waterdown, whether on this site or elsewhere, respects Peter Barnes, Marcel Knot, Arlene Reemeyer, Ben Van Hoeve, Terry Wilk and YFC organization
- had not been fully prepared for December 7 meeting due to short time frame in which to prepare, agreed that Planning staff had done their best
- size of building in relation to site is of concern, too tight particularly as 1/3 of site will be lost to road widening
- 9 parking spots will be insufficient for staff, youth and drop-offs, suggested 18 spots needed. People should not be required to back out onto the road
- overall need to ensure that building, development is done correctly.

Rayburn Lansdell, Youth for Christ worker, addressed Committee. His points included, but were not limited to, the following:

- has been youth worker at a YFC centre, now involved in organization. Vast majority of youth walk to their centres, don't drive, do not have the kind of supportive situation which would have drop-offs or pick-ups
- parking similar to other YFC Centres, there is a plaza with parking across the street. At many YFC Centres, parking not used, has talked to 17 different YFC Centres
- centre does not normally have large numbers on site, when larger events held, these are off-site.

No other members of the public came forward to address Committee.

Committee discussed the matter in detail and had additional information supplied by staff. Points raised included the following:

- good debate, good comments from applicant and from Mr. DeCarlo
- good use for site, good for area, YFC has been operating five plus years, formed good linkages in community
- development will be an enhancement to area
- suggested Ward Councillor and adjacent owner could be involved in Site Plan process
- suggested on-going liaison group between community and organization, to maintain flow of information
- suggested external cameras could be used to combat problems.

On a Motion, Committee approved the staff recommendation.

Councillor Partridge recognized Graham Flint, from FORCE, and thanked him for his, and the organization's work in opposition to St. Mary's Quarry.

(k) Store Hours By-Law R79-202 (PED11011) (City Wide) (Item 6.5)

The Chair noted that this item had been advertised in the newspapers, but that no-one had registered to speak to the Committee on the matter. No one came forward to address Committee.

Marty Hazell gave an overview of the staff report. He explained the proposal to charge a fee for requests for exceptions to the by-law, and noted that a full update of the by-law would be undertaken by staff.

Committee discussed the matter and had additional information supplied by staff, including the following:

- store hours by-law does not apply to restaurants, or Fast Food establishments
- proposed by-law has no changes to opening hours
- very few other municipalities have municipal store hour regulations

- staff has presented this report in order to address number of requests for exemptions to by-law, and in order to recover associated costs.

Tim McCabe noted that option exists for Council to repeal by-law.

Lisa Pasternak confirmed that no Public Meeting is required under the Act to repeal the by-law.

A Motion was moved (Whitehead/Pearson) to repeal the by-law and to rely on the Retail Business Holidays Act.

Councillor Whitehead noted that repealing would support local businesses, as presently shoppers are going to other communities where stores are open longer hours.

Committee then discussed the need for a discussion process with the community, before the by-law changes were decided.

Councillor Whitehead agreed to withdraw his Motion, and replace it with one which would include consultation.

The following staff direction was then approved:

(Whitehead/Collins)

That staff be directed to provide an opportunity to engage the community and the BIA's with the intent to repeal the Store Hours By-law.

(I) Application for an Amendment to a Ministry of Environment Provisional Certificate of Approval (No. A650135) for Expansion to a Waste Disposal Site (Non-Hazardous Solid Waste Transfer and Processing Facility), Ministry of Environment Reference 2053-88NLWM, 464 Rennie Street (Hamilton) (PED11001) (Ward 4) (Item 8.1)

David Falletta was present to assist Committee and provided an overview of the staff report. He explained that the staff recommendations had been provided to the Ministry of the Environment, and that the Ministry had included the staff recommendations in their approval conditions, but had refused the staff requests for an extension to the comment period, to allow a Council decision on the matter.

Committee discussed the matter and explained their concerns about the way in which the Ministry had handled this application, and previous ones, and the ways in which this situation could be addressed or improved.

Staff explained the background to the application and its timing during the municipal election period. He noted that staff would be reporting back with

options to address the Ministry's timing issues, including consideration of delegated authority.

Committee continued to express concerns about the Ministry process.

On a Motion (Collins/Johnson), Committee passed an amendment, to invite a representative of the Ministry of Environment to a future meeting of the Planning Committee to discuss the Certificate of Approval process.

Councillor Clark expressed serious concerns about the situation, and the need to challenge the MOE process.

Committee approved the staff recommendation, as amended. Councillors Pasuta and Clark requested their opposition be recorded to subsections (a) through (c).

(m) MOTIONS (Item 9)

Locke Street Merchants Association-potential for paid parking revenue sharing (Item 9.1)

Councillor Collins introduced the matter and Councillor McHattie was present to explain the background. Committee then approved the following:

Whereas, Hamilton Business Improvement Areas (BIAs) have recently received the opportunity to share in City of Hamilton paid parking revenues, and;

Whereas, the Locke Street Merchants Association is not a BIA, however exhibits many of the same characteristics as a BIA, and;

Whereas, City staff have indicated that they are willing to review whether the Locke Street Merchants Association would qualify for paid parking revenue sharing.

Therefore:

That staff report back on whether the Locke Street Merchants Association qualifies for paid parking revenue sharing with the City of Hamilton as is the case currently with Business Improvement Area organizations.

(n) NOTICES OF MOTION (Item 10)

None

(o) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Selection process for Volunteer Committees-establishment of sub-committee to consider applications for Heritage Permit Review Committee (no copy) (Item 11.1)

On a Motion, Committee appointed Councillors Lloyd Ferguson and Maria Pearson to this selection sub-committee.

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

Mr. McCabe provided updates on various issues.

- timing of Official Plan approval by Minister still uncertain, even when it is approved there will be appeals.
- Development Engineering title changing to Growth Management, will be an update at February 1 meeting
- Federal Building is proposed for redevelopment by owner, Mr. Vranich. This does not require any Council approval for proposed demolition and site plan to proceed, as building is not on the Register. Staff will work with the owner to preserve the art work on the façade.

(iii) Items from Committee Members

Councillor Clark noted two instances of dogs attacking other pets, and the difficulties faced by the owners of the injured animals in getting the names of the dog owners from Animal Control staff, in order to pursue legal action.

Marty Hazell said staff do not share owners' names when charges are pending, but can share when charges are laid.

Councillor Clark continued to express his concerns.

On a Motion (Collins/Partridge), the following direction was given to staff:

That appropriate staff be directed to bring a report on the sharing of names of pet owners of dogs involved in attacks, and other incidents, to the Committee as soon as possible.

(p) PRIVATE AND CONFIDENTIAL (Item 12)

On a Motion (Pearson/Partridge), Committee moved into Closed Session at 12:25 pm, to consider one item which is before the OMB and subject to Section 8.1(e) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City, with respect to:

12.1 St. Mary's Cement Inc. (Canada) - Referral of appeal of Ministerial Zoning Order 138/10 to Ontario Municipal Board - Flamborough

Chair Pasuta advised that the public were being asked to leave while Committee discussed this item, they were welcome to return after the discussion had finished.

Committee re-convened in Open Session at 1:25 pm.

Committee passed a Motion respecting the subject item (See Item 8).

Chair Pasuta refrained from voting on this item.

On a Motion, Committee requested that a letter be sent to the Minister respecting the matter (See Item 9).

On a Motion (Ferguson/Collins), Committee gave the following direction to staff:

That Legal staff report back to Committee on what the City spent on outside legal counsel for OMB Hearings in 2010, and what they intend to spend in 2011, on hearings for which outside counsel has been hired for ongoing OMB cases.

On a Motion (Ferguson/Clark), Committee gave the following direction to staff:

That the Clerk's Office investigate and confirm that the "In Camera" feature installed as part of the City Hall renovation provides adequate protection to allow microphones to be used at In Camera meetings.

(q) ADJOURNMENT (Item 13)

On a Motion (Pearson/Partridge), the meeting adjourned at 2:38 pm.

Respectfully submitted

Robert Pasuta, Chair
Planning Committee

Alexandra Rawlings
Co-ordinator, Planning Committee
January 18, 2011