



**PLANNING COMMITTEE
REPORT 15-016**

AS AMENDED BY COUNCIL OCTOBER 28, 2015

9:30 am

Tuesday, October 20, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Johnson, (1st Vice Chair), M. Pearson (2nd Vice-Chair), C. Collins, D. Conley, J. Farr, M. Green, A. Johnson, and R. Pasuta

Absent with regrets: Councillor J. Partridge (Chair), personal

Also Present Councillor L. Ferguson

THE PLANNING COMMITTEE PRESENTS REPORT 15-016 AND RESPECTFULLY RECOMMENDS:

- 1. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan (UHOP) and Township of Glanbrook Zoning By-law No. 464, and to Approve a Draft Plan of Subdivision "Caterini", for Lands Located at 2515 Fletcher Road (Glanbrook) (PED15160) (Ward 11) (Item 5.1)**

That Report PED15160 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan (UHOP) and Township of Glanbrook Zoning By-law No. 464, and to Approve a Draft Plan of Subdivision "Caterini", for Lands Located at 2515 Fletcher Road (Glanbrook), be received.

- 2. Comments on Application for a Licence under the Aggregate Resources Act by Waterford Sand and Gravel Limited – Vinemount Quarry Extension, Part of Lot 6, Concession 5, Stoney Creek (PED15170) (Ward 11) (Item 5.2)**

- (a) That the City of Hamilton advise the Ministry of Natural Resources (MNR) that it objects to the Licence Application under the *Aggregate Resources Act*, by Waterford Sand and Gravel Limited - Vinemount Quarry Extension, proposed for Part of Lot 6 Concession 5, Stoney Creek, being municipal addresses 1051 Green Mountain Road and 451 Tenth Road East, as shown on Appendix "A" to Report PED15170, on the following basis:
 - (i) Consideration of the application is premature at this time as the proposed extractive land use is not a permitted use under the Rural Hamilton Official Plan, the City of Stoney Creek Zoning By-law 3692-92, or the City of Hamilton Zoning By-law 05-200;
 - (ii) Review of the submitted Official Plan Amendment and Zoning By-law Amendment applications have not been completed by the City or relevant commenting agencies, or considered by Council;
 - (iii) The City and the Combined Aggregate Review Team (CART) have not completed peer reviews of the various component studies submitted by the proponent;
 - (iv) It would be premature for the Ministry of Natural Resources (MNR) to finalize the Aggregate Licence requirements until detailed site requirements, as identified through the review of the required Official Plan Amendment and Zoning By-law Amendment applications and submitted technical studies, have been provided by the City to be considered for incorporation as conditions to the Licence, if granted by the MNR; and,
 - (v) That Hydrogeology, Noise, Vibration, Blasting, Dust, and impacts to the Natural Heritage System have initially been identified as areas of concern to the City.
- (b) That a copy of Report PED15170, being the City of Hamilton's formal comments, be forwarded and filed with the Guelph District Office of the Ministry of Natural Resources and Waterford Sand and Gravel Limited, as required under the *Aggregate Resources Act* for a Licence.

3. Agriculture and Rural Affairs Advisory Committee Report 15-002 (Item 5.3)

(a) Appointment of Chair and Vice Chair

- (i) That Andrew Spoelstra be appointed Chair of the Agriculture and Rural Affairs Advisory Committee for the 2014-2018 term of Council;

- (ii) That Dale Smith be appointed Vice-Chair of the Agriculture and Rural Affairs Advisory Committee for the 2014-2018 term of Council.

4. Application for a Zoning By-law Amendment for Property Located at 623 Upper James Street, Hamilton (PED15167) (Ward 7) (Item 6.1)

That approval be given to Zoning Application ZAC-14-014, by Majd Al Mardini, Owner, for a change in zoning from the "E/S-1254" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified to the "H/S-1725" (Community Shopping and Commercial, Etc.) District, Modified, to permit the construction of a maximum six-storey, 34 residential unit, mixed-use building on lands located at 623 Upper James Street (Hamilton), as shown on Appendix "A" to Report PED15167, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED15167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593.

5. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 Cannon Street East (Hamilton) (PED15158) (Ward 2) (Item 6.2)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-006, by Darko Vranich Holdings Inc. (Owner), to amend the Downtown Hamilton Secondary Plan from "Low Density Residential" to "Mixed Use" with a site specific policy to permit a 12-storey mixed use building containing commercial uses on the ground floor and a maximum of 100 residential apartments on the upper storeys, at 220 Cannon Street East (Hamilton), as shown on Appendix "A" to Report PED15158, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED15158, be adopted by City Council.
- (b) That approval be given to Zoning By-law Amendment Application ZAC-15-014 by Darko Vranich Holdings Inc. (Owner), for a change in zoning from the Downtown Residential (D5) Zone to the Downtown Mixed Use (D3, 470) Zone, Modified, with a Special Exception, to permit a mixed use building containing commercial uses on the ground floor and residential apartments on the upper storeys, at 220 Cannon Street East (Hamilton), as shown on Appendix "A" to Report PED15158, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED15158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. [REDACTED].

6. Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 72 Wilson Street East (Ancaster) (PED15165) (Ward 12) (Item 6.3)

That approval be given to Amended Zoning Application ZAC-14-041, by Naeem and Deeba Mizra, Owners, for a change in zoning from the Existing Residential "ER" Zone to the Neighbourhood Commercial "C1-664" Zone, Modified, to permit the development of a three-storey mixed-use building on lands located at 72 Wilson Street East (Ancaster), as shown on Appendix "A" to Report PED15165, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED15165, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 34.2 of Zoning By-law No. 87-57 as "C1-664";
- (c) ***That the Ward Councillor be consulted during the Site Plan approval process.***

7. Business Licensing Fee Review (PD01104(j)) (City Wide) (Item 8.1)

- (a) That the comprehensive staff report on Business License Fees be postponed until such time as the Licensing By-law review and consolidation, including full public consultation, is complete;
- (b) That the third year of the five-year cost-recovery phase-in strategy for Business Licensing Fees, as outlined in Appendix "A" to Report 15-016, be approved.

8. Preliminary Screening for the Request to Designate 460 Concession Street (George L. Armstrong School) Under Part IV of the *Ontario Heritage Act* (PED15159) (Ward 7) (Item 8.2)

- (a) That 460 Concession Street, Hamilton (George L. Armstrong School) be included in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the *Ontario Heritage Act*, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (b) That staff be directed to undertake a Cultural Heritage Assessment of 460 Concession Street, Hamilton (George L. Armstrong School), shown in Appendix "B" of Report PED15159, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the *Ontario Heritage Act*;
- (c) That the Cultural Heritage Assessment work be assigned a low priority and be added to staff's work program for completion in 2025, as per the attached Appendix "G" of Report PED15159;
- (d) That, if 460 Concession Street, Hamilton (George L. Armstrong School) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the *Ontario Heritage Act*;
- (e) That a copy of Report PED15159 be forwarded to the Hamilton Municipal Heritage Committee for information;
- (f) That a copy of Report PED15159 be forwarded to the property owner for information;
- (g) That a copy of Report PED15159 be forwarded to the Hamilton Mountain Heritage Society (HMHS) for information.

The following Item was amended by adding subsection (e):

9. Interim Control By-laws – Certain Lands along Main Street West, King Street West/East, Queenston Road, James Street North Light Rapid Transit (LRT) Corridor (PED15157) (Wards 1, 2, 3 and 4) (Item 8.3)

- (a) That staff be directed to undertake a planning review and study to evaluate the Official Plan designations / policies and the Zoning By-law regulations, for the lands generally fronting on Main Street West between Thorndale Street and the 403 Interchange, King Street West between the 403 Interchange and the west side of Queen Street North, King Street East between Wellington Street North to west of Parkdale Avenue, and

James Street North between Cannon Street and Strachan Street, to ensure the City's planning documents:

- (i) support the residential and commercial intensification that is beneficial to transit investment, ridership, strengthening communities and long term prosperity of the City;
 - (ii) do not impede the operation of the Light Rapid Transit (LRT) system;
 - (iii) contribute to city building through the establishment of appropriate built form and urban design requirements;
- (b) That approval be given to City Initiative 15-F to establish an Interim Control By-law pursuant to the provisions of subsection 38(1) of the *Planning Act*, for certain lands subject to Zoning By-law No.6593, generally fronting on Main Street West between Thorndale Street and the 403 Interchange, King Street West between the 403 Interchange and the west side of Queen Street North, King Street East between Wellington Street North to west of Parkdale Avenue, and James Street North between Cannon Street and Strachan Street, on the following basis:
- (i) ***That the properties at 1500 Main Street East and 925 Main Street West, be exempt from the Interim Control By-law;***
 - (ii) That the Draft By-law, attached as Appendix "A" to Report PED15157, ***as amended***, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (iii) That the proposed Interim Control By-law conforms to the Urban Hamilton Official Plan (UHOP);
- (c) That approval be given to City Initiative 15-F to establish an Interim Control By-law pursuant to the provisions of Section 38(1) of the *Planning Act*, for certain lands subject to Zoning By-law No.05-200, generally fronting on Main Street West between Cootes Drive / Leland Avenue and the 403 Interchange, King Street West between the 403 Interchange and the west side of Queen Street North, King Street East between Wellington Street North to west of Parkdale Avenue, and James Street North between Cannon Street and Strachan Street, on the following basis:
- (i) That the Draft By-law, attached as Appendix "B" to Report PED15157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed Interim Control By-law conforms to the Urban Hamilton Official Plan (UHOP);
- (d) That \$300,000 be transferred from the Aggregate Resources Strategy Capital Account 8140755700 to Zoning By-law Capital Account 8101355100 to finance this work.
- (e) *That residents who are required to apply to the Committee of Adjustment for a minor variance due to the Interim Control By-laws and are granted a building permit, be reimbursed for the application fee.***

The following Item was amended by adding additional wording to subsection (b):

10. Alternative Financing for the Work Required for the Interim Control By-laws (Added Item)

- (a) That staff confirm whether the City is in receipt of the \$2,000,000 Metrolinx Light Rail Transit (LRT) Advance;
- (b) In the event that the \$2,000,000 Metrolinx LRT advance has been received, that \$300,000 from the advance be credited to the Aggregate Resources Strategy Capital Account 8140755700 to replenish the funds transferred to the Zoning By-law Capital Account 8101355100 to finance the work required for the Interim Control By-laws ***if applicable to the terms and conditions of the Metrolinx Advance.***

11. Housekeeping Amendments to Zoning By-law No. 05-200 (Added 10.1)

That staff be directed to include the following as part of the next Housekeeping Amendments for Zoning By-law No. 05-200:

- (a) an amendment to the Settlement Residential (S1) Zone for the lands located at 917 Centre Road to apply a special exception to also permit a Warehouse;
- (b) a further amendment to the Existing Rural Commercial (E1, 151) Zone, Modified, for the lands located at 2187 Regional Road 56 to also permit a Motor Vehicle Service Station.
- (c) an amendment to the remaining property located at 432 Highland Road East (Highland Packers) which is outside the site specific area to allow an expanded agricultural processing facility which may be limited in size and that a Holding Zone be applied for the appropriate studies.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED DELEGATION REQUESTS

- 4.1 John Ariens, IBI Group, respecting 1500 Main Street East and Item 8.3, Interim Control By-law including written comments (For today's meeting).
- 4.2 Sergio Manchia, UrbanSolutions, respecting Item 8.3, Interim Control By-law (For today's meeting).
- 4.3 David Sisco of IBI Group respecting Item 5.2, the Application for a Licence under the Aggregate Resources Act by Waterford Sand and Gravel Limited – Vinemount Quarry Extension (For today's meeting).

ADDED WRITTEN COMMENTS

(i) Regarding Item 8.3 the Interim Control By-law:

- 8.3(i) John Ariens, IBI Group respecting 1500 Main Street East
- 8.3(ii) Sam Esposto, Architect O.A.A, regarding 46 – 50 King Street East
- 8.3(iii) Sergio Manchia, UrbanSolutions, regarding 644 Main Street West
- 8.3(iv) Sergio Manchia, UrbanSolutions, regarding 2- 6 Olmstead Street & 690 Main Street West
- 8.3(v) Sergio Manchia, UrbanSolutions, regarding 925 Main Street West

ADDED NOTICE OF MOTION

- 10.1 Housekeeping Amendments to Zoning By-law No. 05-200

The Agenda for the October 20, 2015 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson acknowledged for the public record that she owns property near the corridor affected by the proposed Interim Control By-law (Item 8.3), but not within the subject lands nor within the 120 metres and confirmed that she does not have a conflict of interest regarding this matter..

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) October 6, 2015 Meeting (Item 3.1)

The Minutes of the October 6, 2015 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation requests to address Committee at today's meeting were approved:

- (i) John Ariens, IBI Group, respecting Item 8.3, Interim Control By-law including written comments (For today's meeting) (Added Item 4.1).
- (ii) Sergio Manchia, UrbanSolutions, respecting Item 8.3, Interim Control By-law (For today's meeting) (Added Item 4.2).
- (iii) David Sisco of IBI Group respecting Item 5.2, the Application for a Licence under the Aggregate Resources Act by Waterford Sand and Gravel Limited – Vinemount Quarry Extension (For today's meeting) (Added Item 4.3).

(e) CONSENT ITEMS (Item 5)

- (i) **Comments on Application for a Licence under the Aggregate Resources Act by Waterford Sand and Gravel Limited – Vinemount Quarry Extension, Part of Lot 6, Concession 5, Stoney Creek (PED15170) (Ward 11) (Item 5.2)**
- (i) **Delegation from David Sisco of IBI Group respecting Item 5.2, the Application for a Licence under the Aggregate Resources Act by Waterford Sand and Gravel Limited – Vinemount Quarry Extension (For today's meeting) (Added Item 4.3)**

David Sisco addressed Committee on behalf of his client, Waterford Sand & Gravel Limited. His comments included but were not limited to the following:

- The first two reasons for the City's objections to the licence application outlined in subsections (a)(i) and (ii) are moot;
- The 3rd reason is because of the extensive documentation which was submitted with the application and which staff are required to review and he realizes that staff have not had the chance to do so;
- He acknowledges that the requisite reviews and studies need to be completed and incorporated as conditions to the licence;
- He offered his assistance to staff respecting the review of the documents submitted with the licence application.

Vice Chair Brenda Johnson relinquished the Chair to Councillor Pearson.

The delegation was received.

For disposition of this matter refer to Item 2.

Vice Chair Brenda Johnson assumed the Chair

(f) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for a Zoning By-law Amendment for Property Located at 623 Upper James Street, Hamilton (PED15167) (Ward 7) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Vice 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 makes a decision regarding the Zoning By-law 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.

Melanie Schneider, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

Benjamin Clare of A.J. Clark and Associates, the agent for the applicant addressed Committee with the aid of PowerPoint presentation. His overview included but was not limited to the following:

- The location and the neighbouring properties;
- The subject lands; a 0.24 hectares parcel of land;
- Description of the neighbourhood;
- Photos of the property;
- How the proposal fits in with the Planning policies;
- The variance required for the parking;
- Although the applicant may choose an option with fewer floors, the approval today is for a six storey building.

He responded to questions from Committee.

Speakers

1. Robert Morley, 14 Brucedale Avenue East, Unit 5

Robert Morley addressed Committee and his comments included but were not limited to the following:

- He noted that the application was originally for a six storey highrise but it now may be changed to a two storey highrise;
- His concerns are with the proposal for a six storey building and include the following:
 - The parking will create more traffic from Upper James onto Brucedale;
 - Traffic problems and a safety hazard;
 - Excavation for underground parking will destroy and will require the removal of many trees – there are trees along the property line;
 - Six storey unit will make it claustrophobic – the neighbours have small back yards and common areas
 - Landscape area – looks very small – basically a concrete block.
- He believes that a two storey plan may be more acceptable.

Staff confirmed that approval of this Report will allow anything from a two storey unit to a six storey unit.

The delegation was received.

The public meeting was closed.

For disposition of this matter refer to Item 4.

Vice Chair Johnson indicated that she wished to be recorded as OPPOSED to this Item.

(ii) **Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 Cannon Street East (Hamilton) (PED15158) (Ward 2) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice 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 makes a decision regarding the Urban Hamilton Official Plan Amendment and Zoning by-law 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 staff report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

John Ariens, of IBI Group, addressed Committee on behalf of the applicant with the aid of a PowerPoint presentation. Copies of the hand-out were distributed and a copy has been retained for the public record.

His comments included but were not limited to the following:

- Location map showing the subject lands;
- Studies submitted;
- Current Planning Status;
- Proposed Development;
- Development Details;
- Site Plan;
- North Building Elevation;
- East Building Elevation;
- West Building Elevation;
- Planning Merits.

The agent's presentation was received.

Speakers

1. Monika Benkovich, 153 Wellington Street North

Monika Benkovich addressed Committee and she indicated that she was representing the residents of 153 and 149 Wellington

Street North. Her comments included but were not limited to the following:

- They support the application;
- Access to their parking lot during construction– for years had access from Cannon Street;
- It is currently blocked;
- What if there is an emergency;
- How long will it be blocked;
- Are there any plans to repair the alleyway on Kelly Street;
- The alleyway is currently full of potholes, if repaired it could be used as an access.

The delegation was received.

The public meeting was closed.

For disposition of this matter refer to Item 5.

That Planning and Public Works staff were directed to investigate opportunities to require developers to upgrade alleyways to provide for a greater public benefit, where the alleyways are required as access as a result of development applications.

(iii) Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 72 Wilson Street East (Ancaster) (PED15165) (Ward 12) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Vice 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 makes a decision regarding the Zoning By-law 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.

Lindsay King, Planner, provided an overview of the Report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

Joe Lakatos, of A.J. Planning Consultant, representing the applicant addressed Committee.

In response to the Ward Councillor, who was in attendance, he indicated that at the site plan stage, the applicant will consider various building material for the façade, such as stone, stucco, or siding. He confirmed the applicant is willing to work with staff with regards to this matter.

The agent's presentation was received.

Registered Speakers

1. Jacqueline Williams & Keith Dawson, 47 St Margarets Road

Jacqueline Williams and Keith Dawson addressed Committee. Their comments included but were not limited to the following:

- Disagree that the proposal is compatible with the neighbourhood;
- The problem is the parking lot is being located next to the neighbours' backyards;
- Concerns Wilson Street traffic volumes will increase;
- Not consistent with what is currently on Wilson Street;
- All but one building has parking on the front yard;
- None are three storeys high;
- Best scenario would be to deny the application;
- Second best scenario would be to locate the parking in the front yard through site plan control;
- The proposed fence won't address privacy issues.

2. David D'Alberto, 170 DeWitt Road

David D'Alberto addressed Committee and indicated that he is representing his parents who live at 44 Cameron Drive. His comments included but were not limited to the following:

- The proposed structure is a three storey building;
- Most of the structures on the street are bungalows;
- Cameron Drive is a family neighbourhood;
- This proposal will negatively impact their property values;
- Proposed structure is not compatible in scale and land use;
- Increased noise pollution and safety concerns;
- Better suited for strip mall areas;
- Driving school will increase traffic;
- Request that the application be denied or at least restricted to two storeys with parking in the front.

David D'Alberto submitted to the Committee Clerk an added correspondence on behalf of his neighbours, Julie and Pat Pellegrini, 42 ½ Cameron Drive, Ancaster. The correspondence is part of the public record and a copy is available for viewing on the City's website.

Added Written Submission

6.3(i) Julie and Pat Pellegrini, 42 ½ Cameron Drive, Ancaster

The delegations and added correspondence were received.

The public meeting was closed.

Councillor Ferguson, the Ward Councillor, spoke in support of the application and requested that the recommendations be amended to include the Ward Councillor during the site plan approval stage.

The recommendations were amended by adding subsection (c) as follows:

- (c) That the Ward Councillor be consulted during the Site Plan approval process.

For disposition of this matter refer to Item 6.

(g) Discussion (Item 8)

- (i) Business Licensing Fee Review (PD01104(j)) (City Wide) (Item 8.1) (Item 8.1)**

Ken Leendertse advised no public notice is required for this report as these increases were previously approved. As each fee schedule comes forward there will be public consultation.

For disposition of this matter refer to Item 7.

- (ii) Interim Control By-laws – Certain Lands along Main Street West, King Street West/East, Queenston Road, James Street North Light Rapid Transit (LRT) Corridor (PED15157) (Wards 1, 2, 3 and 4) (Item 8.3)**

Written Comments

8.3(i) John Ariens, IBI Group, regarding 1500 Main Street East

- 8.3(ii) Sam Esposto, Architect O.A.A, regarding 46 – 50 King Street East
- 8.3(iii) Sergio Manchia, UrbanSolutions Group, regarding 644 Main Street West
- 8.3(iv) Sergio Manchia, UrbanSolutions, regarding 2- 6 Olmstead Street & 690 Main Street West
- 8.3(v) Sergio Manchia, UrbanSolutions, regarding 925 Main Street West

The written comments were received.

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-Law Reform, provided an overview of the Report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

A discussion followed and staff responded to questions from Committee.

The staff presentation was received.

(i) Delegation from John Ariens, IBI Group respecting 1500 Main Street East and the Interim Control By-law (Added Item 4.1)

John Ariens of IBI Group addressed Committee. His comments included but were not limited to the following:

- The proposed by-law will freeze development while City staff complete the studies for the LRT corridor;
- He is representing his client, the owner of the nursing home at 1500 Main Street East who has received the requisite approvals to build an additional 20 units but is waiting for the building permit which will be put on hold if this by-law is approved;
- His client applied for the building permit in August of this year and wants to avoid winter construction;
- He requested that an exemption be included in the by-law for this address so that his client can proceed with the project.

John Ariens showed a copy of the site plan to Committee.

The delegation from John Ariens, of IBI Group was received

(ii) **Delegation from Sergio Manchia, UrbanSolutions respecting the Interim Control By-law (Added Item 4.2).**

Sergio Manchia addressed Committee. The following additional correspondence was submitted.

Additional Written Comments

8.3(vi) Sergio Manchia, UrbanSolutions, regarding 275 James Street North

8.3(vii) Sergio Manchia, UrbanSolutions, regarding 303 James Street North

8.3(viii) Sergio Manchia, UrbanSolutions, regarding 1440-1444 Main Street West

His comments included but were not limited to the following:

- Referred to his submitted correspondence;
- Some projects are pressing;
- Looking forward to breaking ground sooner rather than later;
- Thought gas stations and drive-throughs would be more of a concern regarding their potential impact on the LRT corridor;
- The by-law might be an overkill on the intent;
- The Columbia College project is particularly pressing.

In response to questions from Committee, Sergio Manchia confirmed that none of the properties are at the site plan approval stage.

Committee approved that an exemption be included in the proposed by-law for the property at 1500 Main Street East.

Committee approved that an exemption be included in the proposed by-law for the property at 925 Main Street West.

Vice-Chair B. Johnson and Councillor Green indicated that they wished to be recorded as OPPOSED to the above amendment.

Vice-Chair B. Johnson and Councillors Collins and Conley indicated that they wished to be recorded as OPPOSED to this Item.

For disposition of this matter refer to Item 9.

Committee approved an additional motion regarding the funding. For disposition of this matter refer to Item 10.

(h) NOTICES OF MOTIONS (Item 10)

Vice Chair B. Johnson relinquished the Chair to Second Vice-Chair M. Pearson and introduced the following Notice of Motion and subsequent motions:

(i) Housekeeping Amendments to Zoning By-law No. 05-200 (Added 10.1)

That staff be directed to include the following as part of the next Housekeeping Amendments for Zoning By-law No. 05-200:

- (a) an amendment to the Settlement Residential (S1) Zone for the lands located at 917 Centre Road to apply a special exception to also permit a Warehouse;
- (b) a further amendment to the Existing Rural Commercial (E1, 151) Zone, Modified, for the lands located at 2187 Regional Road 56 to also permit a Motor Vehicle Service Station.
- (c) an amendment to the remaining property located at 432 Highland Road East (Highland Packers) which is outside the site specific area to allow an expanded agricultural processing facility which may be limited in size and that a Holding Zone be applied for the appropriate studies.

The rules of order were waived to introduce a motion respecting Housekeeping Amendments to Zoning By-law No. 05-200.

For disposition of this matter refer to Information Item 11.

Vice Chair B. Johnson assumed the Chair.

Councillor Farr introduced the following Notice of Motion:

(ii) Site Plan Control in Established Urban Neighbourhoods (Added 10.2)

Whereas, the Official Plan identifies all of the City of Hamilton as being subject to Site Plan Control; and

Whereas, Site Plan Control applies to all development, unless specifically exempted in the Site Plan Control By-law; and

Whereas, development is defined as substantially increasing the usability of a property; and

Whereas, rebuilding a building may require minor changes from the previous building to meet Building Code and Accessibility requirements; and

Whereas, replacing a building that is fire damaged or is no longer structurally sound or usable does not specifically increase the usability of a property; and

Whereas, in some cases, areas of attached mid-bloc low-density commercial space may have missing buildings, yet, all commercial development is subject to Site Plan Control; and

Whereas, there are no exemptions even when the replacement commercial development matches the original footprint;

Therefore it be resolved:

That in those circumstances of redevelopment within established urban neighbourhoods that build upon the existing building footprint, which may include minor deviations from the original building footprint, that the redevelopment be deemed not to be development and therefore not subject to Site Plan Control.

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

(i) Outstanding Business List (Item 11.1)

Item "I" respecting Potential acquisition of 1.48 acres parcel of land located at 50 Greenhill Ave (former St. Christopher Catholic Elementary School) with potential funding options including Parkland credits, TABLED October 6, 2015, was lifted from the TABLE.

The following new due dates were approved:

Item "D" - City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)

Due Date: October 20, 2015

Proposed New Due Date: December 1, 2015

Item "S" - Lay-by Parking Needs at Upper Paradise Road and Stone Church

Due Date: October 20, 2015

Proposed New Due Date: November 17, 2015

Item "II" Potential acquisition of 1.48 acres parcel of land located at 50 Greenhill Ave (former St. Christopher Catholic Elementary School) with potential funding options including Parkland credits.

Due Date: October 6, 2015

Proposed New Due Date: December 1, 2015

(j) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 1:14 p.m.

Respectfully submitted,

Councillor B. Johnson
Vice-Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Third Step Approval Business License Fees

Department: Planning & Economic Development
 Division: Parking & By-law Services - Licensing

67 Cost Recovery License Fees	2015 Approved Fee	Step #3 2015 FCR	2016 Cost Recovery Fee
<u>Accommodations</u>			
Bed and Breakfast	\$ 219.00	\$ 23.37	\$ 242.37
Recreational Camping Establishment	\$ 281.00	\$ 52.77	\$ 333.77
<u>Mobile</u>			
Hawker/Peddler (motorized vehicle)	\$ 281.00	\$ 52.77	\$ 333.77
Seasonal Food Vendor	\$ 317.00	\$ 41.12	\$ 358.12
Sign Posters and Bill Distributor	\$ 294.00	\$ 29.52	\$ 323.52
Limousines (owner)	\$ 580.00	\$ 25.79	\$ 605.79
Limousines (driver)	\$ 169.00	\$ 21.30	\$ 190.30
Taxi cab owner (private) (Renewal)	\$ 578.00	\$ 26.62	\$ 604.62
Taxi cab owner (private) (New)	\$ 4,345.00	\$ 38.58	\$ 4,383.58
Taxi cab owner (transfer)	\$ 769.00	\$ 0.24	\$ 769.24
Taxi cab Broker	\$ 920.00	\$ 118.13	\$ 1,038.13
Taxi cab Driver	\$ 169.00	\$ 21.30	\$ 190.30
Building Exterior Cleaner	\$ 257.00	\$ 11.72	\$ 268.72
Refreshment Vehicles:			
Class A	\$ 317.00	\$ 41.12	\$ 358.12
Class B	\$ 317.00	\$ 41.12	\$ 358.12
Class C	\$ 297.00	\$ 31.12	\$ 328.12
Transient Trader (3 month period)	\$ 644.00	\$ 9.90	\$ 653.90
<u>Services</u>			
Eating Establishments:			
Bars and Nightclubs	\$ 256.00	\$ 41.17	\$ 297.17
Food Premises	\$ 170.00	\$ 0.17	\$ 170.17
Restaurant with Liquor Service	\$ 202.00	\$ 15.17	\$ 217.17

Third Step Approval Business License Fees

Department: Planning & Economic Development
 Division: Parking & By-law Services - Licensing

67 Cost Recovery License Fees	2015 Approved Fee	Step #3 2015 FCR	2016 Cost Recovery Fee
Public Garage:			
(A) Buying, Selling, Storing	\$ 219.00	\$ 23.37	\$ 242.37
(B1) Combined Engine & Body Work	\$ 219.00	\$ 23.37	\$ 242.37
(B2) Engine Work	\$ 219.00	\$ 23.37	\$ 242.37
(B3) Body Work	\$ 219.00	\$ 23.37	\$ 242.37
(C) Service Station	\$ 219.00	\$ 23.37	\$ 242.37
(D) Parking Lot	\$ 219.00	\$ 23.37	\$ 242.37
(E) Car Wash Only	\$ 219.00	\$ 23.37	\$ 242.37
Public Halls	\$ 285.00	\$ 54.97	\$ 339.97
<u>Places of Amusement</u>			
Amusement Arcade	\$ 219.00	\$ 23.37	\$ 242.37
Amusement Rides	\$ 219.00	\$ 23.37	\$ 242.37
Billiard / Bagatelle Tables	\$ 219.00	\$ 23.37	\$ 242.37
Bingo Parlour	\$ 219.00	\$ 23.37	\$ 242.37
Bowling Alley	\$ 219.00	\$ 23.37	\$ 242.37
Carnival	\$ 219.00	\$ 23.37	\$ 242.37
Circus	\$ 219.00	\$ 23.37	\$ 242.37
Motor Vehicle Race Track	\$ 219.00	\$ 23.37	\$ 242.37
Other	\$ 219.00	\$ 23.37	\$ 242.37
Proprietary Club	\$ 219.00	\$ 23.37	\$ 242.37
Roller Skating Rink	\$ 219.00	\$ 23.37	\$ 242.37
Skateboarding, BMX bikes	\$ 219.00	\$ 23.37	\$ 242.37
Kennels, Pet Shops	\$ 217.00	\$ 23.37	\$ 240.37
Personal Aesthetic Services Facility	\$ 172.00	\$ 1.17	\$ 173.17
Personal Wellness Services Establishment	\$ 172.00	\$ 1.17	\$ 173.17
<u>Used Goods Services</u>			
Antique Market/Flea Market	\$ 219.00	\$ 23.37	\$ 242.37
Auctioneer	\$ 257.00	\$ 11.72	\$ 268.72
Pawn Broker	\$ 380.00	\$ 25.42	\$ 405.42
Precious Metals & Jewellery Dealers	\$ 380.00	\$ 25.42	\$ 405.42
Salvage Yard	\$ 380.00	\$ 25.42	\$ 405.42
Second-hand Shop	\$ 368.00	\$ 94.97	\$ 462.97

Third Step Approval Business License Fees

Department: Planning & Economic Development
 Division: Parking & By-law Services - Licensing

67 Cost Recovery License Fees	2015 Approved Fee	Step #3 2015 FCR	2016 Cost Recovery Fee
<u>Trade License Contractor</u>			
Building Repair	\$ 244.00	\$ 15.88	\$ 259.88
Plumber	\$ 244.00	\$ 15.88	\$ 259.88
Heating, Ventilation & Air Conditioning	\$ 244.00	\$ 15.88	\$ 259.88
Drainage	\$ 244.00	\$ 15.88	\$ 259.88
Sprinkler and Fire Protection Installer	\$ 244.00	\$ 15.88	\$ 259.88
<u>Trade License Masters</u>			
Building Repair	\$ 137.00	\$ 15.85	\$ 152.85
Plumber	\$ 137.00	\$ 15.85	\$ 152.85
Heating, Ventilation & Air Conditioning	\$ 137.00	\$ 15.85	\$ 152.85
Drainage	\$ 137.00	\$ 15.85	\$ 152.85
Sprinkler and Fire Protection Installer	\$ 137.00	\$ 15.85	\$ 152.85
<u>Other Fees</u>			
Taxi cab Priority list (prior to Sept 30th)	\$ 89.00	\$ 4.02	\$ 93.02
Exam/Processing Fee	\$ 51.00	\$ 0.43	\$ 51.43
Wheel chair accessible Taxi cab	\$ 9.00	\$ 0.54	\$ 9.54
Photo ID Card	\$ 16.00	\$ 0.30	\$ 16.30
License certificate replacement	\$ 16.00	\$ 0.30	\$ 16.30
License plate replacement	\$ 68.00	\$ 0.10	\$ 70.80
Appeal to Hamilton Licensing Tribunal	\$ 137.00	\$ 5.46	\$ 142.46
Daily fee for spare taxicabs	\$ 24.00	\$ 0.63	\$ 24.63