PLANNING COMMITTEE
MINUTES 19-008
9:30 a.m.
Tuesday, May 14, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

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

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THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19078) (City Wide) (Item 7.1)

(Danko/Partridge)
That Report PED19078 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

2. Micro-Mobility – E-Scooters (PED19099) (City Wide) (Item 7.2)

(Whitehead/Clark)
That Report PED19099 respecting Micro-Mobility – E-Scooters, be received.

CARRIED

3. Site Plan Control Application for 310 Frances Avenue (PED19115) (Ward 10) (Item 7.3)

(Pearson/Partridge)
That Report PED19115 respecting Site Plan Control Application for 310 Frances Avenue, be received.

CARRIED

4. Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) (Item 8.3)

(Partridge/Whitehead)

(a) That Amended Rural Hamilton Official Plan Amendment Application RHOPA-17-038 by 1685486 Ontario Inc. (Owner), to establish a Site Specific Policy to permit the expansion of a Cannabis Growing and Harvesting Facility having a maximum gross floor area of 9,505 sq m consisting of 6,305 sq m of growing and harvesting, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses, for portions of the lands located at 1633 and 1649 Highway No. 6 North, Flamborough, as shown on Appendix "A" to Report PED19076, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19076, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017);

(iii) That in the event that RHOPA 21 comes into force and effect prior to the adoption of the draft Official Plan Amendment, attached as Appendix "B" to Report PED19076, the definition of a Cannabis Growing and Harvesting Facility shall be removed.

(b) That Amended Zoning By-law Amendment Application ZAC-17-081 by 1685486 Ontario Inc. (Owner), for a modification to the Rural (A2) Zone to permit the expansion of a Cannabis Growing and Harvesting Facility having a maximum gross floor area of 9,505 sq m consisting of 6,305 sq m of growing, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses, and a modification to the Conservation / Hazard Lands – Rural (P7) Zone to permit an office use in conjunction with the Cannabis Growing and Harvesting Facility and to prohibit a Cannabis Growing and Harvesting Facility, a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and an Agricultural Processing Establishment – Secondary within the existing building and prohibit expansions of the existing single detached dwelling, for portions of the lands located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough, as shown on Appendix "A" to Report PED19076, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED19076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That in the event that By-law 18-266 comes into effect prior to the passing of the draft By-law, attached as Appendix "C" to Report

PED19076, the definition of the Cannabis Growing and Harvesting Facility shall be removed;

(iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H111' to the proposed Rural (A2, 691) Zone.

The Holding Provision "H111" is to be removed to allow the development of the Cannabis Growing and Harvesting Facility, conditional upon:

1. The Owner submitting and receiving approval of an Odour Impact Assessment and Light Impact Assessment, to the satisfaction of the Director of Planning and Chief Planner.

(iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and will comply with the Rural Hamilton Official Plan upon approval of Official Plan Amendment No. __.

(c) That the public submissions received did not affect the decision.

Result: Main Motion, *As Amended*, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

5. Comprehensive Review of Discharge of Firearms By-law (PED16107(b)) (City Wide) (Item 10.1)

(Clark/Partridge)

(a) That the by-law attached as Appendix "A" to Report PED16107(b), which repeals and replaces the Discharge of Firearms By-law 05-114, that incorporates the recent and future urban developments in the City and that includes key aspects of a comprehensive review and public consultation process, and which has been prepared in a form satisfactory to the City Solicitor, be enacted;

(b) That a new exemption permit application fee of $100 and renewal fee of $20 for the discharge of recreational firearms or bows be approved, and that the User Fees and Charges By-law be amended accordingly; and,

(c) That the item respecting the Comprehensive Review of the Discharge Firearm By-law be considered complete and removed from the Planning Committee Outstanding Business List.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
NOT PRESENT – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

6. Effect of Heritage Designations on Property Values in Hamilton (Item 11.1)

(Farr/Collins)
That the appropriate staff from PED be requested to consult with the Realtors Association of Hamilton-Burlington in an effort to determine if they are aware of or possess any documented proof (attained through previous reports, studies or sales figures analysis) that a heritage designation decreases a property's value in Hamilton.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.2 Correspondence from the Lakewood Beach Community Council respecting 461 Green Road

2. DELEGATION REQUESTS (Item 6)

6.2 Lakewood Beach Community Council respecting a Community Contest to rename a Local Street (For today's meeting)

6.3 Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue (For today's meeting)

6.4 Lakewood Beach Community Council respecting Proposed Development at 310 Frances Avenue (For today's meeting)

6.5 Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law (For today's meeting)

6.6 Mark Victor respecting Site Plan Control Application for 310 Frances Avenue (For today's meeting)

3. CONSENT ITEMS (Item 7)

7.3 Site Plan Control Application for 310 Frances Avenue (PED19115)
(b) Written Comments:
1. George McCowan
2. Surabhi Patel
3. Anna Roberts
4. Stan and Renee Kurak
5. Zita Petozzi
6. Tabatha Morris
7. Joan Whitson
8. Russell and Janet Pape
9. Larry Birch
10. Eleanor Boyle
11. Ron and Rae Wilcox
12. Linda McEneny
13. Sherry Hayes

(Clark/Partridge)
That the agenda for the May 14, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
NOT PRESENT – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) April 30, 2019 (Item 4.1)

(Danko/Wilson)
That the Minutes of the April 30, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
NOT PRESENT – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting (Item 5.1)

(Partridge/Clark)
That the Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting, be received.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(i) Mark Clem respecting Empirical Data on Heritage Registered and Heritage Designated Residential Property in Hamilton (For today's meeting) (Item 6.1)

(Clark/Wilson)
That the Delegation Request from Mark Clem respecting Empirical Data on Heritage Registered and Heritage Designated Residential Property in Hamilton, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
NOT PRESENT – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(ii) Lakewood Beach Community Council respecting a Community Contest to rename a Local Street (For today's meeting) (Added Item 6.2)

(Clark/Danko)
That the Delegation Request from Lakewood Beach Community Council respecting a Community Contest to rename a Local Street, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
NOT PRESENT – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(iii) Delegation Requests respecting 310 Frances Avenue (Added Items 6.3, 6.4 and 6.6)

(Clark/Partridge)
That the following Delegation Requests respecting 310 Frances Avenue, be approved for today's meeting, to be heard before Item 7.3:

6.3 Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue (For today's meeting)

6.4 Lakewood Beach Community Council respecting Proposed Development at 310 Frances Avenue (For today's meeting)

6.6 Mark Victor respecting Site Plan Control Application for 310 Frances Avenue (For today's meeting)

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
NOT PRESENT – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(iv) Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law (For today's meeting) (Added Item 6.5)

(Clark/Partridge)
That the Delegation Request from Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
NOT PRESENT – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue (Added Item 6.3)

Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue, addressed the Committee respecting the proposed development at 310 Frances Avenue.

(Partridge/Clark)
That the Delegation from Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue, respecting the proposed development at 310 Frances Avenue, be received.

CARRIED

(ii) Lakewood Beach Community Council respecting Proposed Development at 310 Frances Avenue (Added Item 6.4)

Viv Saunders, Lakewood Beach Community Council, addressed the Committee respecting the proposed development at 310 Frances Avenue.

(Danko/Wilson)
That the Delegation from Viv Saunders, Lakewood Beach Community Council, respecting the proposed development at 310 Frances Avenue, be received.

CARRIED

(iii) Mark Victor respecting Site Plan Control Application for 310 Frances Avenue (Added Item 6.6)

Mark Victor addressed the Committee respecting the proposed development at 310 Frances Avenue.

(Partridge/Clark)
That the Delegation from Mark Victor respecting the proposed development at 310 Frances Avenue, be received.

CARRIED

(g) CONSENT ITEMS (Item 7)

(i) Site Plan Control Application for 310 Frances Avenue (PED19115) (Ward 10) (Item 7.3)

(Danko/Wilson)
That the following written submissions respecting the Site Plan Control Application for 310 Frances Avenue, be received:

1. George McCowan
2. Surabhi Patel

3. Anna Roberts
4. Stan and Renee Kurak
5. Zita Petozzi
6. Tabatha Morris
7. Joan Whitson
8. Russell and Janet Pape
9. Larry Birch
10. Eleanor Boyle
11. Ron and Rae Wilcox
12. Linda McEneny
13. Sherry Hayes

CARRIED

For further disposition of this matter, refer to Item 3.

(h) PUBLIC HEARINGS / DELEGATIONS (Item 8) (Continued)

(i) David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (Approved at the April 30th meeting) (Item 8.1)

David Partanen, Canadian Coalition for Firearm Rights, addressed the Committee respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms.

(Farr/Collins)
That the Delegation from David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms, be received.

CARRIED

(ii) Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (Approved at the April 30th meeting) (Item 8.2)

Glenn Wise, Macassa Bay Live-Aboard Association, addressed the Committee respecting Obtaining Permanent Approval for Year Round Residency on a Boat.

(Farr/Whitehead)
That the Delegation from Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, be received.

CARRIED

(iii) Application for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law no. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 Official Plan Amendment or 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 Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Partridge/Whitehead)
That the Public Meeting be closed.

CARRIED

(Partridge/Whitehead)
That the staff presentation be waived.

CARRIED

Bill Panagiotakopoulos, Beleave Inc., applicant, was in attendance and indicated that the applicant is in agreement with the staff report. Bill Panagiotakopoulos provided an overview of the proposal.

(Partridge/Whitehead)
That the overview of the proposal by Bill Panagiotakopoulos, Beleave, Inc., be received.

CARRIED

(Partridge/Whitehead)
That the added written comments from Ann Lanigan and Bill Orosz, be received.

CARRIED

(Partridge/Whitehead)
That the recommendations in Report PED19076 be amended by adding the following sub-section (c):

(c) That the public submissions received did not affect the decision.

Result: *Amendment* CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 4.

(iv) Lakewood Beach Community Council respecting a Community Contest to rename a Local Street (For today's meeting) (Added Item 8.4)

Viv Saunders, Lakewood Beach Community Council, was not in attendance.

(v) Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law (For today's meeting) (Item 8.5)

Brian McRae, Ontario Federation of Anglers and Hunters, addressed the Committee respecting the Discharge of Firearms By-law.

(Partridge/Farr)
That the Delegation from Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law, be received.

CARRIED

(i) DISCUSSION ITEMS (Item 10)

(i) Designation of 23-25 King Street East (Hamilton Municipal Heritage Committee Report 19-003) (Item 10.2)

(Collins/Farr)
That the Designation of 23-25 King Street East (Hamilton Municipal Heritage Committee Report 19-003), be deferred to the June 4, 2019 Planning Committee meeting.

CARRIED

(j) NOTICES OF MOTION (Item 12)

(i) Year-Round Live-Aboards at West Harbour Marinas / Yacht Clubs (Added Item 12.1)

Councillor Farr introduced the following Notice of Motion respecting Year Round Live-Aboards at West Harbour Marinas / Yacht Clubs:

WHEREAS, Year-round live-aboard residents have resided in the west harbour for over two decades;

WHEREAS, the City of Hamilton recently permitted 2018-19 off-season live-aboard residents with a willing host at Macassa Bay Yacht Club/Marina and there were no complaints or impacts respecting this permission; and,

WHEREAS, The Mission Statement from the year-round live-aboards currently residing on the water in Hamilton is to “promote a living alterative lifestyle on the waters of Hamilton Harbour within the Community of Hamilton”;

THEREFORE BE IT RESOLVED:

(a) That should a willing host (for example, if Macassa Bay Yacht Club expresses written consent as a sub-landlord) a Live-Aboard sub-committee of the Planning Committee be established, with an objective to create a feasibility study over a two-year period;

(b) That the sub-committee be comprised of the appropriate City of Hamilton staff, the ward councillor, representatives from each interested marina/yacht club and representatives from the current live-aboard residents;

(c) That the issue of year-round live-aboards related to any ongoing negotiations respecting City of Hamilton long-term leases with Marinas and Yacht Clubs be held in abeyance until such time as the feasibility study report is reported back to the Planning Committee; and,

(d) That live-aboards continue to be permitted to live year-round until the Planning Committee deals with the matter once the feasibility study is finalized.

(k) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(Johnson/Danko)
That the following change to the Outstanding Business List, be approved:

(a) Item to be Removed:

P – Update to the Discharge of Firearms By-law
(Addressed as Item 10.1 on this agenda)

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(ii) General Manager's Update (Item 13.2)

Steve Robichaud, Director of Planning, advised that a report will be coming to the June 4, 2019 Planning Committee meeting respecting Bill 108 and proposed changes to the Local Planning Appeal Tribunal (LPAT) processes.

Councillor Pearson commended the Planning Department on receiving the Canadian Institute of Planners' Award of Excellence in the category of city and regional planning for "Putting People First: A New Land Use Plan and Zoning By-law for Downtown Hamilton".

(l) ADJOURNMENT (Item 15)

(Danko/Johnson)
That, there being no further business, the Planning Committee be adjourned at 1:10 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk