



PLANNING COMMITTEE REPORT

AS AMENDED BY COUNCIL NOVEMBER 11, 2020

20-013

November 3, 2020

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J. Farr (Chair), J.P. Danko (1st Vice Chair), C. Collins
M. Pearson, B. Johnson, L. Ferguson, and J. Partridge

**Absent With
Regrets:** Councillor M. Wilson - Personal

THE PLANNING COMMITTEE PRESENTS REPORT 20-013 AND RESPECTFULLY RECOMMENDS:

**1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of
Subdivision Applications (PED20182) (City Wide) (Item 6.1)**

That Report PED20182 respecting Active Official Plan Amendment, Zoning
By-law Amendment and Plan of Subdivision Applications, be received.

2. Hamilton Municipal Heritage Committee Report 20-006 (Added Item 6.2)

(a) Built Heritage Inventory Strategy Update (PED20133) (Item 9.1)

That the presentation respecting the Built Heritage Inventory Strategy
Update (PED20133) be received.

**(b) Inventory & Research Working Group - Recommendations on
Various Properties (Item 10.1)**

(i) That the pre-confederation property located at 187-189 Catharine
Street North, Hamilton be included on the Municipal Register of
Properties of Cultural Heritage Value or Interest;

(ii) That the property at 24 Blake Street (former "Eastcourt" carriage
house), Hamilton, be added to the Municipal Register of Properties

Cultural Heritage Value or Interest, and added to staff work plan for designation with a medium high priority based on the cultural heritage evaluation.

(iii) The following properties be added to the Municipal Register of Properties of Cultural Heritage Value or Interest:

- 9751 Twenty Road West, Glanbrook
- 2081 Upper James, Glanbrook
- 311 Rymal Road East, Hamilton
- 7105 Twenty Road West, Glanbrook
- 623 Miles Road, Glanbrook
- 9445 Twenty Road West, Glanbrook

(c) Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide) (Added Item 10.2)

- (i) That Council adopt the submissions and recommendations as provided in Report PED19125(b), attached hereto as Appendix "A", regarding the proposed Regulation under the Ontario Heritage Act, as amended by Bill 108, More Homes, More Choice Act, 2019;
- (ii) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "B" to Report PED19125(b); and,
- (iii) That in advance of the Proclamation of the amendments to the Ontario Heritage Act and associated regulations, the Director of Planning and Chief Planner be authorized to make any changes to internal guidelines and application forms as may be required to implement the changes to the Ontario Heritage Act.

(d) Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15) (Added Item 10.3)

- (i) That Council, in accordance with the advice provided by the Hamilton Municipal Heritage Committee, advise the landowner that it has no objection to the demolition of the existing house at 1389 Progreston Rd. (the "Property") and the construction of the new house at 1389 Progreston Rd. in accordance with the architectural plans presented to the Hamilton Municipal Heritage Committee;
- (ii) That the revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report PED20125(a), be approved;

- (iii) That the revised Notice of Intention to Designate, attached as Appendix “B” to Report PED20125(a), be approved;
 - (iv) That, as recommended by the Hamilton Municipal Heritage Committee, Council withdraw the existing Notice of Intent to Designate and issue a new revised Notice of Intent to Designate 1389 Progreston Road;
 - (v) That the Clerk be directed to serve a notice of withdrawal of the Notice of Intention to Designate (as approved by Council on April 22, 2020, and issued on April 23, 2020) on the owner of 1389 Progreston Rd. and the Ontario Heritage Trust, and to cause the notice to be published in a newspaper having general circulation in the municipality and provided to the Conservation Review Board (refer to Appendix “C” of PED20125(a));
 - (vi) That the Clerk be directed to issue a new Notice of Intent to Designate 1389 Progreston Rd., Carlisle (Flamborough) under Part IV of the Ontario Heritage Act as a property of cultural heritage value, in accordance with Report PED20125(a);
 - (vii) That if there are no objections to the designation in accordance with the Ontario Heritage Act, that staff be directed to place a designation by-law before Council for adoption;
 - (viii) That if there are objections to the designation in accordance with the Ontario Heritage Act, the Clerk be directed to refer the designation to the Conservation Review Board for review; and,
 - (ix) That if the designation is referred to the Conservation Review Board, the City Solicitor and appropriate staff be directed to attend any hearing held by the Conservation Review Board in support of Council’s decision to designate the property.
- (e) **Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands (Added Item 11.1)**

WHEREAS, the City of Hamilton is currently conducting virtual meetings for its Council, Standing Committees, Sub-Committees and Advisory Committees;

WHEREAS, a report regarding the Ancaster High School Lands is proposed for the November 30, 2020 Agenda of the Hamilton Municipal Heritage Committee;

WHEREAS, the report respecting the Ancaster Highschool Lands is garnering a great deal of interest by the constituents of Ancaster;

WHEREAS, a petition of 11,000 residents of Ancaster has been received by the City regarding this issue which could result in 100 or more people requesting delegation status; and

WHEREAS, while delegations are permitted in these virtual meetings, they are not without their technical challenges;

THEREFORE BE IT RESOLVED:

That the Report respecting the Ancaster High School Lands be deferred until such time as an in-person meeting of the Hamilton Municipal Heritage Committee can be conducted, or the beginning of Q3 2021, whichever event occurs first.

(f) Amendments to the Register Beasley Heritage Project Batch 1 (Added 11.2)

WHEREAS, several property owners have requested further engagement, and some argue that the pandemic is negatively affecting their properties and business and that the still unknown effects of the pandemic is enough of a challenge at this time; and

WHEREAS the historic Central and Beasley Neighbourhoods are identified as short-term priorities in the City's Built Heritage Inventory Strategy Work Plan, and any properties removed from the Register Beasley list will be reviewed at a future date as part of the City-initiated inventory work;

THEREFORE BE IT RESOLVED:

(a) That the following properties be removed from the Register Beasley Heritage Project: Batch 1 - Recommended Register Listings, October (attached hereto as Appendix "B" to Report 20-006):

- 203-205, 207-211, 213 James Street North
- 229, 235, 241, 245, 274 James Street North
- **240-242 James Street North**
- 282 James Street North
- 294-296 James Street North
- 309 James Street North; and

(b) That the remaining properties on the Register Beasley Heritage Project: Batch 1 be added to the Register.

The following item was amended as follows:

3. Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Item 7.1)

~~(a) That Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix "A" to Report PED20146, be DENIED.~~

~~(b) That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at 2069 Binbrook Road as shown on Appendix "A" to Report PED20146, be DENIED.~~

That Report PED20146, respecting the Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook, be referred back to the Planning Committee for further discussion.

4. Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) (Item 7.3)

(a) That Zoning By-law Amendment Application ZAC-16-016 by A. J. Clarke and Associates Ltd. on behalf of Malatesta Brothers Construction, Owner, for a change in zoning from the Single Residential "R1" Zone to the Single Residential "R3-44" Zone, Modified in the City of Stoney Creek Zoning By-law No. 3692-92 to facilitate the development of five residential lots for single detached dwellings on lands located at 1313 Baseline Road (Stoney Creek), as shown on Appendix "A" to Report PED20181, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED20181, 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 (2020) and conforms to A Place to Grow (2019); and,

- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Urban Lakeshore Area Secondary Plan.
- (b) That the public submissions received on this matter did not affect the decision.

5. Site Plan Fees for Lapsed Applications (Added Item 11.2)

WHEREAS, the current Tariff of Fees for Planning and Engineering Development Applications provides for a Site Plan application fee for new applications, and application extensions, but does not provide for situations in which a Site Plan has lapsed;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to review the Tariff of Fees for Planning and Engineering Development Applications with respect to Site Plan applications, to introduce a new fee for the renewal of lapsed Site Plans, and report back to Planning Committee; and,
- (b) That until such time as staff has reported back and Council has provided direction with respect to a fee for renewal of lapsed Site Plans, that staff apply the Site Plan Extension fee of \$1,605.00 to any application that lapsed on or after May 1, 2020, based on the following:
 - (i) that the Site Plan lapsed for no more than 90 days and the Director of Planning and Chief Planner, or their designate, has determined that the applicant has been actively working towards obtaining Site Plan approval;
 - (ii) that where re-submissions of any supporting studies are required, these be charged the existing re-submission fee where applicable; and,
 - (iii) that for administrative purposes, a new Site Plan file be opened for the purpose of calculating Development Charges.

6. Demolition Permit For 552 Jerseyville Road West, Ancaster (Added Item 11.3)

WHEREAS, the owner has boarded up the vacant properties but continues to have untoward activity at the properties that are uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of these building as prescribed by the Property Standards By-law or maintain the properties on the Vacant Building Registry and demolition is appropriate; and,

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 552 Jerseyville Road West, Ancaster, Ontario, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

1. DELEGATION REQUESTIONS (Item 5)

- 5.1 John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2)
- 5.2 Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2)

2. CONSENT ITEMS (Item 6)

- 6.2 Hamilton Municipal Heritage Committee Report 20-006

3. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)

- 7.2 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5)
 - (a) Registered Delegations:
 - (i) Brad Ackles
 - (ii) Tyler Ackles
 - (b) Written Submissions:
 - (i) Brad Ackles
 - (ii) Miles Budnark
 - (iii) Denis and Kim Hamelin

- (iv) David Reid
- (v) Wendy Passmore

7.3 Applications for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10)

- (a) Written Submissions:
 - (i) Yu Hua Yin
 - (ii) Jason Van Dongen
- (b) Agent's Presentation

4. NOTICES OF MOTION (Item 11)

11.2 Site Plan Fees for Lapsed Applications

11.3 Demolition Permit for 552 Jerseyville Road West, Ancaster

The agenda for the November 3, 2020 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Danko declared a conflict with Item 6.2, Item #5 Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands, and Item 11.1 Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook, as his spouse is employed by the Hamilton Wentworth District School Board.

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

(i) October 20, 2020 (Item 3.1)

The Minutes of the October 20, 2020 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 5)

(i) Delegation Requests (Added Items 5.1 and 5.2)

The following Delegation Requests were approved for today's meeting, to be heard before Item 6.2:

- (a) John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2) (For today's meeting) (Added Item 5.1)
- (b) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2) (For today's meeting) (Added Item 5.2)

(e) PUBLIC HEARINGS / DELEGATIONS (Item 7)

(i) John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2) (Added Item 7.4)

John Ariens, IBI Group, addressed the Committee respecting Designation of 1389 Progreston Road (Item 6.2).

The Delegation from John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2), was received.

For disposition of this matter, refer to Item 2(d).

(ii) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2) (Added Item 7.5)

Jack Dennison addressed the Committee respecting Designation of 1389 Progreston Road (Item 6.2).

The Delegation from Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2), was received.

For disposition of this matter, refer to Item 2(d).

(f) CONSENT ITEMS (Item 6)

Councillor Farr relinquished the Chair to Councillor Danko.

(i) Hamilton Municipal Heritage Committee Report 20-006 (Added Item 6.2)

Hamilton Municipal Heritage Committee Report 20-006, Item #6, Amendments to the Register Beasley Heritage Project Batch 1, subsection (a) was **amended** to add the words "**240-242 James Street North**", as follows:

- (a) That the following properties be removed from the Register Beasley Heritage Project: Batch 1 - Recommended Register Listings, October (attached hereto as Appendix "B" to Report 20-006):
 - 203-205, 207-211, 213 James Street North

- 229, 235, 241, 245, 274 James Street North
- **240-242 James Street North**
- 282 James Street North
- 294-296 James Street North
- 309 James Street North; and

For disposition of this matter, refer to Item 2(f).

Councillor Farr assumed the Chair.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 7) - Continued

In accordance with the *Planning Act*, Chair Farr advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Farr advised 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 and Official Plan Amendment applications before the Committee today, 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.

(i) Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Item 7.1)

No members of the public were registered as Delegations.

Alaina Baldassara, Planner II, addressed the Committee with an overview of the application.

The staff presentation was received.

Dave Pitblado, Agent, was in attendance and indicated support for the staff report.

The delegation from Dave Pitblado, Agent, was received.

The public meeting was closed.

- (a) That Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on

a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix "A" to Report PED20146, be DENIED.

- (b) That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at 2069 Binbrook Road as shown on Appendix "A" to Report PED20146, be DENIED.

For disposition of this matter, refer to Item 3.

(ii) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5) (Item 7.2)

Sean Stewart, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Nick DeFilippis with Defilippis Design, was in attendance and indicated support for the staff report.

The delegation from Nick DeFilippis with DeFilippis Design, was received.

Registered Delegations:

7.2(a)(i) Brad Ackles addressed the Committee and expressed concerns with the proposal.

7.2(a)(ii) Tyler Ackles addressed the Committee and expressed concerns with the proposal.

The delegations were received.

The following written submissions, Item 7.2(b), were received:

- (i) Brad Ackles
- (ii) Miles Budnark
- (iii) Denis and Kim Hamelin
- (iv) David Reid
- (v) Wendy Passmore

The public meeting was closed.

Report PED20195 was DEFERRED to the December 8, 2020 Planning Committee meeting.

Nick DeFilippis, Agent, was permitted to address the Committee for a second time.

Nick DeFilippis, Agent, addressed the Committee regarding the applications.

The second delegation from Nick DeFilippis, Agent, was received.

(iii) Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) (Item 7.3)

No members of the public were registered as Delegations.

The staff presentation was waived.

Miles Weekes with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Miles Weekes with AJ Clarke & Associates was received.

The following written submissions, Item 7.3(a) were received:

- (i) Yu Hua Yin
- (ii) Jason Van Dongen

The public meeting was closed.

(a) That Zoning By-law Amendment Application ZAC-16-016 by A. J. Clarke and Associates Ltd. on behalf of Malatesta Brothers Construction, Owner, for a change in zoning from the Single Residential "R1" Zone to the Single Residential "R3-44" Zone, Modified in the City of Stoney Creek Zoning By-law No. 3692-92 to facilitate the development of five residential lots for single detached dwellings on lands located at 1313 Baseline Road (Stoney Creek), as shown on Appendix "A" to Report PED20181, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED20181, 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 (2020) and conforms to A Place to Grow (2019); and,
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Urban Lakeshore Area Secondary Plan.

The recommendations in Report PED20181 were **amended** by adding the following sub-section (b):

(b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter, refer to Item 4.

(h) NOTICES OF MOTION (Item 11)

- (i) Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook (Revised) (Item 11.1)**

Councillor Johnson introduced the following REVISED Notice of Motion respecting Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook:

WHEREAS, Ecole Elementaire Michaelle Jean (2121 Hwy #56) falls under the jurisdiction of the Hamilton Wentworth District School Board,

WHEREAS, this public school has both a private water supply and private sanitary waste disposal,

WHEREAS, Ecole Elementaire Michaelle Jean (2121 Hwy #56) is located 600 meters (0.6 kilometers) outside the north urban boundary of the Binbrook Settlement Area and therefore does not qualify for municipal sewer and water connection,

WHEREAS, the property historically known as Wills Motors (2187 Hwy #56) has received Site Plan Approval for a large commercial expansion to provide a number of desirable services to the community in accordance with its existing zoning,

WHEREAS, 2187 Hwy #56 is also served by private water supply and sanitary waste disposal,

WHEREAS, 2187 Hwy #56 is located 300 meters (.3kilometers) outside the north urban boundary of the Binbrook Settlement Area and is located between the urban boundary and Ecole Elementaire Michaelle Jean, and therefore also does not qualify for municipal sewer and water connection,

WHEREAS, a precedent has been set with Oakrun Bakery, which is located outside the urban boundary and was permitted to connect to municipal services at their cost, and,

WHEREAS, a municipal sanitary sewer and municipal waterline currently run across the frontage of both properties and have adequate capacity to accommodate both properties:

NOW THEREFORE BE IT RESOLVED:

That 2121 Hwy 56 and 2187 Hwy 56, Binbrook, be permitted to connect to the City Municipal Sewer and Water at the property owner's cost, in a manner acceptable to the City of Hamilton.

(ii) Site Plan Fees for Lapsed Applications (Added Item 11.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting Site Plan Fees for Lapsed Applications.

For disposition of this matter, refer to Item 5.

(iii) Demolition Permit for 552 Jerseyville Road West, Ancaster (Added Item 11.3)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for 552 Jerseyville Road West, Ancaster.

For disposition of this matter, refer to Item 6.

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

(i) General Manager's Update (Added Item 13.1)

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee regarding the GRIDS Report being presented at the December 14th General Issues Committee meeting, and advised that the Second Dwelling Units consultation had been launched online on the City's website.

The General Manager's Update, was received.

(j) **ADJOURNMENT (Item 14)**

There being no further business, the Planning Committee was adjourned at 11:41 a.m.

Councillor J. Farr
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator