



PLANNING COMMITTEE

MINUTES 12-003

Tuesday, February 28, 2012

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, Councillor L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present: T. McCabe, GM, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
P. Mallard, Director, Planning
B. Janssen, Director, Strategic Services
G. Wide, Manager, Enforcement
S. Robichaud, Manager, Development Planning
V. Robicheau, Office of the City Clerk

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Accessible Taxicabs Licensing PED10063(d) (City Wide) (Item 5.1)

(Pearson/Pasuta)

That report PED10063(d), Accessible Taxicabs Licensing, be received.

CARRIED

**2. Use of Flak Jackets by Municipal Law Enforcement Officers (PED12028)
(City Wide) (Item 5.2)**

(Pasuta/Pearson)

That Report PED12028 titled, "Use of Flak Jackets by Municipal Law Enforcement Officers", be received.

CARRIED

3. Hamilton Municipal Heritage Committee – Minutes 12-001 (Item 5.3)

(Pasuta/Pearson)

That the Minutes of the Hamilton Municipal Heritage Committee 12-001, be received.

CARRIED

4. Report 12-001 – Operational Review Sub-Committee (Item 5.4)

(Pasuta/Pearson)

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

(i) That Councillor T. Whitehead be appointed as the Chair of the Operational Review Sub-committee for the 2010-2014 term of Council;

(ii) That Councillor J. Partridge be appointed as the Vice Chair of the Operational Review Sub-committee for the 2010-2014 term of Council.

(b) Operational Review of the Growth Management Division of the Planning and Economic Development Department (City Wide) (PED11174) (Item 4.1)

That Report PED11174, respecting the Operational review of the Growth Management Division of the Planning and Economic Development Department, be received.

CARRIED

5. **Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11) (Item 6.2)**

(Ferguson/Pearson)

- (a) That approval be given to **Amended Stoney Creek Official Plan Amendment Application OPA-09-004, by 2149589 Ontario Limited, c/o Paul Aneja, (Applicant)**, for Official Plan Amendment No. ■■■■, to amend the land use designation on Schedule A4 - Urban Lakeshore Area Secondary Plan, from the "Low Density Residential" designation to the "Local Commercial" designation, in order to permit a 2-storey, mixed-use building, on the lands known as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix "A" to Report PED10194(a), on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED10194(a), be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places To Grow and the Hamilton-Wentworth Official Plan.
- (b) That approval be given to **Amended Zoning By-law Amendment Application ZAC-09-022, by 2149589 Ontario Limited, c/o Paul Aneja, (Applicant/Owner)**, for a change in zoning from the Rural Residential "RR" Zone to the Mixed-Use Commercial (Holding) "MUC-6(H)" Zone, with a Special Exception, to permit a 2-storey, mixed-use building, on the lands known municipally as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix "A" to Report PED10194(a), on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED10194(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Map 4 of Schedule "A" of Zoning By-law No. 3692-92;
 - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No. ■■■■.
- (c) That approval be given to Urban Hamilton Official Plan Amendment No. ■■■■ for a change in designation to the Urban Lakeshore Area Secondary Plan – Map 7.3-1, from the "Low Density Residential 2b" to the "Local

Commercial” designation, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix “D” to Report PED10194(a);

- (d) That upon finalization of the implementing By-law, the subject lands be identified as Local Commercial (LC) on the Fifty Point Neighbourhood Plan;
- (e) That the Ward Councillor be involved in the site plan process.

CARRIED

6. City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook (Glanbrook) (PED10007(a)) (Item 6.3)

(Pearson/Partridge)

That approval be given to **City Initiative CI-12-C**, for a change in zoning from the Residential Multiple “RM2” Zone to the Residential Multiple “RM3-231” Zone, with a Special Exception, to correct a mapping error, for lands located at 33 Fall Fair Way (Binbrook), as shown on Appendix “A” to Report PED10007(a), on the following basis:

- (a) That the Draft By-law, attached as Appendix “C” to Report PED10007(a), which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment;
- (b) That the amending Schedule be added to Schedule “H” of Zoning By-law No. 464;
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

CARRIED

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

(Collins/Johnson)

- (a) That the Licence Fees, as amended, attached hereto as Appendix “A”, be approved and added to the City’s User Fee and Charges By-law for 2012;
- (b) That staff be directed to report back on a phase-in cost recovery approach for 2013 and onward.

CARRIED

8. Hamilton Municipal Heritage Committee – Report 12-001 (Item 8.2)

(Johnson/Pearson)

That Council forward a letter of support to the Federal Government's 1812 Commemoration Fund, in support of the Billy Green 13: Be a Part of History Event's seeking of fund for a 13 kilometre run in commemoration of the War of 1812 to be held on May 11, 2013.

CARRIED

9. Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock (PL090114) (Item 12.2)

(Johnson/Pearson)

That the recommendations and draft revised policy text provided in closed session respecting Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock, be approved, as amended, and remain confidential until Council's approval.

CARRIED

10. Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114) (Item 12.3)

(Whitehead/Pearson)

That the recommendations and draft revised policy text as provided in closed session respecting Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates, be approved, as amended, and remain confidential until Council's approval.

11. Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock (PL090114) (Item 12.4)

(Whitehead/Johnson)

That the recommendations and draft revised policy text provided in closed session respecting, Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock, be approved, as amended, and remain confidential until Council's approval.

CARRIED

12. Verbal Report - Legal Advice Regarding Severance Policies on the Green Belt and Provincial Policy Standards (Item 12.5)

(Whitehead/Johnson)

That staff be directed to obtain an outside Planning opinion on the interpretation of the Provincial Policy Statement and Green Belt Plan respecting farm consolidation and residence surplus to a farming operation severance(s).

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA

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

DELEGATION REQUESTS

- 4.1 Delegation Request from Jacob Leibovitch, respecting by-law enforcement regarding sub-leasing in the taxi industry.

CONSENT ITEMS

- 5.4 Report 12-001 – Operational Review Sub-Committee

PUBLIC HEARINGS AND DELEGATIONS

- 6.1(a) Delegation by Graeme Smith and Susan Austin, respecting the upcoming review of refreshment vehicle bylaws in Hamilton

PRIVATE AND CONFIDENTIAL

- 12.5 Verbal Update - Legal Advice Regarding Severance Policies on the Green Belt and Provincial Policy Standards

(Pearson/Johnson)

That the Agenda for the February 28, 2012 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST

Councillor Partridge declared a conflict of interest for item 8.1, Business Licensing Fee Review (PD01104(e)), as her family is involved with one of the businesses (plumbing) whose fees are being reviewed.

Councillor Ferguson declared a conflict of interest for item 8.1, Business Licensing Fee Review (PD01104(e)), as his family is involved with one of the businesses (taxi) whose fees are being reviewed.

Councillor Ferguson declared a conflict of interest for item 12.3, Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114), as a family member is employed by one of the appellants.

(c) APPROVAL OF MINUTES

(i) January 31, 2012

(Pasuta/Farr)

That the Minutes of the January 31, 2012 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS

(i) Delegation Request from Jacob Leibovitch, respecting by-law enforcement regarding sub-leasing in the taxi industry.

(Farr/Pearson)

That the delegation request submitted by Jacob Leibovitch, respecting by-law enforcement regarding sub-leasing in the taxi industry, be approved.

CARRIED

(e) PUBLIC HEARINGS AND DELEGATIONS

(i) Delegation from Don McPhail, respecting the Sign By-law (Item 6.1)

Mr. McPhail provided an overview of his concerns relating to mobile signs and asked that Councillors and Staff meet with the stakeholders to work through these concerns through the Stakeholder Review Committee.

(Pearson/Partridge)

That the delegation by Don McPhail respecting the Sign By-law, be received.

CARRIED

Legal staff advised that there are legal proceedings currently underway; however, this would not limit the ability for Councillors to ask questions.

Questions to staff pertained to information about the Stakeholder Review Committee and current mobile sign businesses in Hamilton.

Staff was directed to provide a background package to Committee members respecting the deliberations regarding the Sign By-law.

(ii) Delegation by Graeme Smith and Susan Austin, respecting the upcoming review of refreshment vehicle bylaws in Hamilton (Item 6.1(a))

Graeme Smith and Susan Austin provided an overview of their business and their success. They also provided concerns over the by-law for food trucks relating to the radial separation requirements from restaurants, municipal parks/schools and other properties.

(Farr/Pearson)

That the delegation by Graeme Smith and Susan Austin respecting the upcoming review of refreshment vehicle bylaws in Hamilton, be received.

CARRIED

Questions to the presenter pertained to information about the strong food culture within Hamilton and the rules behind running a food truck business.

(Collins/Johnson)

(a) That staff be directed to prepare a revised Food Truck By-law no later than June 19, 2012;

(b) That Staff prepare parameters and criteria for a "Pilot Program" that would permit Food Trucks in Regional and/or Community Parks.

CARRIED

(iii) Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan 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.

No public speakers came forward.

(Pearson/Johnson)

That the public meeting respecting Report PED10194(a), Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek), be closed.

CARRIED

(Pearson/Ferguson)

That the staff presentation respecting, Report PED10194(a), Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek), be waived.

CARRIED

Councillor Johnson expressed concerns over certain intersections within the area.

(Ferguson/Pearson)

That the Ward Councillor be involved in the site plan process.

CARRIED

For disposition on this Item, refer to item 5.

(iv) City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook (Glanbrook) (PED10007(a)) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan 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.

No public speakers came forward.

(Pearson/Ferguson)

That the public meeting respecting, Report PED10007(a), City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook, be closed.

CARRIED

(Johnson/Ferguson)

That the staff presentation respecting, Report PED10007(a), City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook, be waived.

CARRIED

For disposition on this Item, refer to item 6.

(f) DISCUSSION ITEMS

(i) Business Licensing Fee Review (PD01104(e)) (City Wide) (Item 8.1)

(Pearson/Johnson)

That Mr. Victor Veri be allowed to speak as a delegation today respecting Report PED01104(e), Business Licensing Fee Review.

The motion CARRIED on the following vote:

Yea:	Pearson, Johnson, Pasuta
Total:	3
Nay:	Farr and Clark
Total:	2
Absent:	Whitehead, Ferguson, Collins, Partridge
Total:	4

Mr. Veri spoke to his concerns with the Business Licensing Fee Review.

(Johnson/Pearson)

That the presentation by Victor Veri respecting, Business Licensing Fee Review, be received

CARRIED

For disposition on this Item, refer to item 7.

(g) MOTIONS

- (i) 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street (Item 9.1)**

(Johnson/Pearson)

That Item 9.1 respecting, 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, be deferred to the March 20, 2012 meeting of the Planning Committee.

CARRIED

(h) GENERAL INFORMATION AND OTHER BUSINESS

- (i) Outstanding Business List Amendments (Item 11.1)**

(Collins/Farr)

That the following items be removed from the Outstanding Business List:

- (a) Item H: Separation of enforcement of 12 parking rule from complaints respecting abandoned vehicles Pilot Project – Ward 1 – 12 Hour Parking By-law (PED11079(a))
- (b) Item I: Locke Street Paid Parking Hours (PED11105)
- (c) Item R: ACPD Proposed Reforms to Taxi Licensing By-law
- (d) Item GG:1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a))
- (e) Item HH: Business Licensing Fee Review (PD01104(e))

- (f) Item AA: Health and Safety Protocols for the City of Hamilton By-law Officers

CARRIED

(Collins/Johnson)

That the following items be amended to include the New Due Dates:

- (a) Item E: Regulating Residential Rental Housing
New Due Date: Q3 2012
- (b) Item F: 17 Ewen Road
New Due Date: April 17, 2012
- (c) Item G: Dutch Mill Country Market, Millgrove Side Road
New Due Date: June 19, 2012
- (d) Item S: 1620 Upper Wentworth and 401 Rymal Road East,
application by Schlegel Villages
New Due Date: March 20, 2012
- (e) Item T: Project Compliance Update
New Due Date: Q4 2012
- (f) Item W: Mediation Services for Municipal Law Enforcement
New Due Date: May 1, 2012
- (g) Item Y: Prohibition of the Feeding of Wildlife
New Due Date: June 19, 2012

CARRIED

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

Tim McCabe provided an overview of the culture division in Planning and the pilot program for lot grading.

(i) PRIVATE AND CONFIDENTIAL

At 1:30 p.m., Committee moved into Closed Session to consider several confidential matters pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the

municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

(Whitehead/Pearson)

That the Planning Committee reconvene in Open Session at 3:00 p.m.

CARRIED

(i) Closed Session Minutes - January 31, 2012 (Item 12.1)

(Pearson/Pasuta)

That the Closed Session Minutes of the January 31, 2012, meeting of the Planning Committee be approved, as presented, and remain confidential and restricted from public disclosure.

CARRIED

(ii) Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock (PL090114) (Item 12.2)

(Pearson/Johnson)

That Recommendation (e), respecting Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock (PL090114), be deleted.

CARRIED

For disposition on this Item, refer to item 9.

(iii) Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114) (Item 12.3)

(Pearson/Johnson)

That Recommendation (d), respecting Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114), be deleted.

CARRIED

Item 12.3 CARRIED on the following vote:

Yeas: Whitehead, Pearson, Pasuta, Collins
Total: 4
Nays: Johnson, Clark

Total: 2
Absent: Ferguson, Partridge, Farr
Total: 3

For disposition on this Item, refer to item 10.

(iv) Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock (PL090114) (Item 12.4)

(Pearson/Johnson)

That Recommendation (e), respecting Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock (PL090114), be deleted.

CARRIED

For disposition on this Item, refer to item 11.

(v) Verbal Report - Legal Advice Regarding Severance Policies on the Green Belt and Provincial Policy Standards (Item 12.5)

For disposition on this Item, refer to item 12.

(j) ADJOURNMENT

(Pearson/Whitehead)

That, there being no further business, the Planning Committee be adjourned at 3:05 p.m.

CARRIED

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
February 28, 2012