



PLANNING COMMITTEE

MINUTES 12-008

Tuesday, May 15, 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, L. Ferguson, J. Partridge, M. Pearson and T. Whitehead

Absent with Regrets: R. Pasuta – Personal Business

Also Present: Councillor S. Merulla
Councillor R. Powers
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. Proposed Change to Part 8 of the Ontario Building Code (PED12073) (Wards 12, 14 and 15) (Item 5.1)**

(Pearson/Whitehead)

That Report PED12073, respecting a proposed change to Part 8 of the Ontario Building Code, be received for information.

CARRIED

2. Waterdown North Master Drainage Plan Addendum and Borer's Creek Capacity Assessment (PED12084) (Ward 15) (Item 5.2)

(Pearson/Whitehead)

- (a) That the General Manager, Planning and Economic Development Department, be authorized and directed to file the Waterdown North Master Drainage Plan Addendum and Borer's Creek Capacity Assessment, Municipal Class Environmental Assessment (EA), Project File Report, with the Municipal Clerk for a minimum thirty day public review period;
- (b) That upon completion of the minimum thirty day public review period, the General Manager, Planning and Economic Development Department, be authorized and directed to proceed with implementation of the preferred alternatives as outlined in Report PED12084, subject to funding approval through the Capital Budget process.

CARRIED

3. Re-Programming Parking Equipment to Accept New Coins (PED12086) (City Wide) (Item 5.3)

(Pearson/Whitehead)

- (a) That a one-time expenditure estimated at \$55,000.00 be authorized from the Parking Reserve Account #108021 for re-programming parking equipment to accept new coins;
- (b) That staff be authorized to single source the re-programming of equipment with the original suppliers of each equipment type; J.J. MacKay Canada Limited, Electromega Ltd., and Precise Park Link Inc.

CARRIED

4. Hamilton Municipal Heritage Committee – Minutes 12-003 (Item 5.4)

(Pearson/Partridge)

That the Hamilton Municipal Heritage Committee – Minutes 12-003, be received.

CARRIED

5. Request to Designate 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) Under Part IV of the Ontario Heritage Act (PED12039) (Ward 2) (Tabled April 3, 2012) (Item 5.5)

(Pearson/Whitehead)

- (a) That staff carry out a Cultural Heritage Assessment of 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act;
- (b) That Council include 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED12039, and that staff makes appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (c) That if 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;
- (d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff's workplan for completion in 2017, as per the attached Appendix "F" to Report PED12039;
- (e) That Report PED12039 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council-approved inclusion of 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) in the Register of Property of Cultural Heritage Value or Interest;
- (f) That Report PED12039 be forwarded to the Director of the Water and Wastewater Division of the Public Works Department for information;
- (g) That Report PED12039 be forwarded to the individual who requested the designation of 231 Ferguson Avenue South (Hamilton) for information.

CARRIED

6. Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks (PED09019(d)) (City Wide) (Outstanding Business List Item) (Item 6.3)

(Collins/Ferguson)

- (a) That the Licensing By-law 07-170 be amended to require the licensing of tow truck operators and drivers, subject to the approval of items (i) and (ii) below:
- (i) an additional 0.8 FTE for enforcement and administration based on 100% full cost recovery with no additional levy impact;
 - (ii) addition of the following license fees to the User Fees and Charges By-law:
 - (1) tow truck business operator - \$491.00 per vehicle annually;
 - (2) tow truck driver - \$118.00 per driver annually;
 - (3) Tow Truck operators/drivers must have a valid police check and driver's abstract.
- (b) That the draft by-law amendment which includes Schedule (28) Tow Trucks, attached as Appendix "A" to Report PED09019(d), prepared in a form satisfactory to the City Solicitor, be enacted.
- (c) That, staff be directed to conduct a four month public awareness and implementation campaign, with enforcement of tow truck licensing commencing on October 15, 2012.

CARRIED

7. Food Service Vehicles (PED12085) (City Wide)

(Pearson/Whitehead)

- (a) That, in accordance with the City Council direction of March 7, 2012 that staff prepare a revised Food Truck By-law, the Licensing By-law 07-170 be amended as follows:
- (i) by removing the requirement that food service vehicle operators obtain written permission from eating establishments within 100 metres of where the food service vehicle is located or will be stopped;
 - (ii) by adding the following requirements:

- (1) annual proof of compliance with the Technical Safety Standards Act, 2000 (TSSA);
 - (2) no selling to the public on a road within 20 metres of a boundary of an eating establishment;
 - (3) no selling to the public:
 - (aa) for longer than 15 minutes on residential streets and for longer than three hours on all other roads;
 - (bb) on residential streets from 8:00 p.m. to 8:00 a.m. daily and between 1:00 a.m. and 8:00 a.m. daily on any road;
 - (cc) on a road within 100 metres of the boundary of a Special Event as defined by the City's Special Event Policy;
 - (dd) within the Hess Village Entertainment District from 2:30 a.m. to 8:00 a.m.;
 - (4) must move 250 metres (minimum) between stopping for selling to the public on any road;
 - (5) no idling of an internal combustion engine for longer than three minutes within three metres of a habitable room's door, window or other opening;
 - (6) require an operator to keep a log of all stops including address, times and dates;
 - (7) require an operator to move if, in the opinion an Officer, the location is or may become undesirable for reasons of safety or interference with access to any property;
 - (8) to provide a water and grease disposal/spill containment plan;
 - (9) must be a minimum 1.5 metres from any property line while selling on private property;
- (b) That the Licensing By-law 07-170 be amended by deleting Schedule 19 (Refreshment Vehicles) and replaced with Schedule 6 (Food Service Vehicles), and that the draft by-law attached as Appendix "B" to Report

PED12085, prepared in a form satisfactory to the City Solicitor, be enacted;

- (c) That the new Food Services Vehicles By-law be monitored and a review be brought forward to the Planning Committee prior to the Summer of 2013;
- (d) That the review recommended in the item (c) above include a license fees review and comparison with the fees of other Ontario municipalities;
- (e) That staff report back on:
 - (i) Definition on how 20 metre is measured;
 - (ii) How is auxiliary engine noise controlled and maintained to reduce noise to an acceptable level;
 - (iii) Clarity for special events are approved by event organizers;
 - (iv) Allowing any of the BIA's to opt-out;
 - (v) Investigate alternative parking provisions for Food Truck operators parked at municipal parking metres.

CARRIED

8. Hamilton Municipal Heritage Committee – Report 12-003 (Item 8.1)

(Johnson/Whitehead)

- (a) That the Friends of the Erland Lee Museum be nominated for the Ontario Heritage Trust, Community Leadership Program;
- (b) That the necessary paperwork be completed by the Education and Communication Sub-Committee, prior to the due date.

CARRIED

9. Review of Approved Applications ROPA-10-002, OPA-10-012, ZAC-10-035, and 25T-201005 for Lands Known as 1125-1185 Wilson Street West (Ancaster) (PED11102(a)) (Ward 12) (Item 8.2)

(Ferguson/Farr)

- (a) That the Retail Market Demand and Impact Analysis, prepared by urbanMetrics Inc. for Trinity Development Group Inc., for lands known as 1125-1185 Wilson Street West (Ancaster), attached as Appendix "A" to Report PED11102(a), be received.

- (b) That the Peer Review of the above-noted market study, prepared by Robin Dee & Associates Real Estate Counsellors and Economists, attached as Appendix "B" to Report PED11102(a), be received.
- (c) That Council reaffirms its approval of Applications ROPA-10-002, OPA-10-012, ZAC-10-035, and 25T-201005 for 1125-1143 Wilson Street West (Ancaster), as noted by the recommendation of Report PED11102, approved by Council on July 7, 2011.
- (d) That Report PED11102(a), including the recommendations, be presented to the Ontario Municipal Board as the City's written recommendations further supporting the approval of ROPA-10-002, OPA-10-012, ZAC-10-035, and 25T-201005 for 1125-1143 Wilson Street West (Ancaster).

CARRIED

10. Review of Paid Parking in Stoney Creek, Waterdown and Ancaster (PED11104(b)) (Wards 9, 12 and 15) (Item 8.3)

(Ferguson/Partridge)

- (a) That no action be taken on any further review of commercial paid parking for the areas of Stoney Creek, Waterdown and Ancaster;
- (b) That the annual revenue shortfall of \$676,000.00 resulting from the 2010 City Council direction that paid parking in Stoney Creek, Ancaster and Waterdown not apply to off-street carparks, and the 2012 direction to remove the on-street parking meters in Stoney Creek and Waterdown, be dealt with during the 2013 Budget process.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA

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

DELEGATION REQUESTS

- 4.5 Delegation Request from Marcel Benoit, respecting Report PED12085 Food Service Vehicles (for today's meeting)

- 4.6 Delegation Request from Kathy Drewitt, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.7 Delegation Request from Lynn Page, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.8 Delegation Request from Adam Hynam-Smith, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.9 Delegation Request from Sandie Susi, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.10 Delegation Request from Dennis Wood, respecting Report PED11102(a), Review of Approved Applications ROPA-10-002, OPA-10-012, ZAC-10-035, and 25T-201005 for Lands Known as 1125-1185 Wilson Street West (Ancaster) (for today's meeting)
- 4.11 Delegation Request from John Ennis, respecting Report PED09019(d) Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks (for today's meeting)
- 4.12 Delegation Request from Phyllis Kraemer, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.13 Delegation Request from Sid Friedman, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.14 Delegation Request from Jim Godina, respecting Report PED12085 Food Service Vehicles (for today's meeting)

CONSENT ITEMS

- 5.5 Request to Designate 231 Ferguson Avenue South (Ferguson Avenue Pumping Station) (Hamilton) Under Part IV of the Ontario Heritage Act (PED12039) (Ward 2) (Tabled April 3, 2012)

PUBLIC HEARINGS AND DELEGATIONS

- 6.2 Delegation from Jason Velenosi, respecting trap grease removal/pumping within the City of Hamilton (be removed)
- 6.4 Food Service Vehicles (PED12085) (City Wide)

(i) Correspondence

(a) Correspondence from David Adames, Hamilton Chamber of Commerce

6.6 Ancaster Wilson Street Secondary Plan and Official Plan Amendments (PED12078) (Ward 12)

(i) Correspondence

(a) Correspondence from Matt Johnston, IBI Group

(Farr/Pearson)

That the Agenda for the May 15, 2012 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST

None.

(c) APPROVAL OF MINUTES

(i) May 1, 2012

(Ferguson/Pearson)

That the Minutes of the May 1, 2012 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS

(Farr/Johnson)

That the following delegation requests be approved:

4.1 Delegation Request from John Norris, respecting Report PED09019(d) Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks (for today's meeting) (Item 4.1)

4.2 Delegation Request from Graeme Smith, respecting Report PED12085 Food Service Vehicles (for today's meeting)

- 4.3 Delegation Request from Joe Stanicak, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.4 Delegation Request from Daniel Rodrigues, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.5 Delegation Request from Marcel Benoit, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.6 Delegation Request from Kathy Drewitt, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.7 Delegation Request from Lynn Page, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.8 Delegation Request from Adam Hynam-Smith, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.9 Delegation Request from Sandie Susi, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.10 Delegation Request from Dennis Wood, respecting Report PED11102(a), Review of Approved Applications ROPA-10-002, OPA-10-012, ZAC-10-035, and 25T-201005 for Lands Known as 1125-1185 Wilson Street West (Ancaster) (for today's meeting)
- 4.11 Delegation Request from John Ennis, respecting Report PED09019(d) Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks (for today's meeting)
- 4.12 Delegation Request from Phyllis Kraemer, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.13 Delegation Request from Sid Friedman, respecting Report PED12085 Food Service Vehicles (for today's meeting)
- 4.14 Delegation Request from Jim Godina, respecting Report PED12085 Food Service Vehicles (for today's meeting)

CARRIED

(e) PUBLIC HEARINGS AND DELEGATIONS

- (i) Delegation from Janice Brown, respecting the Durand Neighbourhood Association's position with respect to the fire escape at 130 Herkimer St., Hamilton**

Ms. Brown provided an overview of her presentation with the aid of speaking notes. A copy of the speaking notes have been included in the public record.

(Collins/Pearson)

That the delegation from Janice Brown, respecting the Durand Neighbourhood Association's position with respect to the fire escape at 130 Herkimer St., Hamilton, be received.

CARRIED

Staff provided an overview of the zoning and fire requirements that are associated with apartment dwellings such as the example provided by Ms. Brown. Discussion involved, but was not limited to: options for having both fire and planning work together to prevent similar situations to the example at 130 Herkimer St.; historical requirements that cause legal non-conforming issues; whether or not the fire code overrides zoning by-laws of official plan requirements;

Councillor Farr clarified with staff if the city would be able to remove the fire escape on the 130 Herkimer St., Hamilton. Mr. McCabe advised that it is not possible to do so.

(Farr/Collins)

That staff review the relevant planning policies through the comprehensive zoning by-law review in an effort to prevent the erection of front yard fire-escapes in the future.

CARRIED

- (ii) Delegation from Jason Velenosi, respecting trap grease removal/pumping within the City of Hamilton (Item 6.2)**

This item was removed at Changes to the Agenda.

- (iii) Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks (PED09019(d)) (City Wide) (Outstanding Business List Item) (Item 6.3)**

Marty Hazell, Senior Director, Parking and By-law Services, provided an overview of the report and the background of licensing of tow trucks.

Bill Young, Director, Municipal Law Enforcement, provided an overview of the proposed changes to the by-law.

(Pearson/Ferguson)

That the staff presentation respecting Report PED09019(d), Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, be received.

CARRIED

Registered Speakers:

1. John Norris – PO Box 47594, Centre Mall, Hamilton, ON L8H 7S7

Mr. Norris provided an overview of his comments with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

(Farr/Partridge)

That the presentation respecting PED09019(d), Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, be received.

CARRIED

2. Gale Daley – 858 Nebo Rd., RR2 Hannon, Hamilton, ON L0R 1P0

Ms. Daley provided an overview of her concerns regarding the extra fees, the need for public education, and the issues that arise with body shops.

(Pearson/Farr)

That the presentation respecting PED09019(d), Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, be received.

CARRIED

3. John Ennis – 60 Commerce Valley Dr. E, Thornhill, ON L3T 7P9

Mr. Ennis provided an overview of his comments with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

(Partridge/Pearson)

That the presentation respecting PED09019(d), Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, be received.

CARRIED

4. Ann Akkermans – 2485 Campbellville Rd., RR2 Campbellville, ON L0P 1B0

Ms. Akkermans provided an overview of her concerns with the fees, cost that may be additional due to liability, driver tracking and recording, transporting tows outside of the City and written estimates.

(Farr/Whitehead)

That the presentation respecting PED09019(d), Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, be received.

CARRIED

(Whitehead/Collins)

That the public hearing respecting Report PED09019(d), Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, be closed.

CARRIED

(Johnson/Whitehead)

As per staff Report PED09019(d), Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, that a new recommendation be added as follows:

- (a) (ii) (3) Tow Truck operators/drivers must have a valid police check and driver's abstract.

And further that By-Law 07-170, be amended accordingly.

Amendment CARRIED

For disposition on this item, refer to item 6.

(iv) Food Service Vehicles (PED12085) (City Wide) (Item 6.4)

Al Fletcher provided an overview of the report and responded to questions from Committee together with Marty Hazel and Tim McCabe.

(Farr/Pearson)

That the staff presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

Registered Speakers:

1. Graeme Smith – Gorilla Cheese

Mr. Smith expressed his support for food trucks as a business and positive addition to the community as well as creating a strong food

culture. He also commented on misconceptions and resistance that faced by Food Service Vehicles.

Discussion included, but was not limited to: parking; BIA fees; and the current separation from eating establishments.

(Pearson/Whitehead)

That the online petition respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

(Collins/Whitehead)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

2. Joe Stanicak – West Town Bar and Grill

Mr. Stanicak expressed concern with parking on Locke Street. He also asked if he can sell on the street (patios). He also addressed how the exhaust systems must be set back off of the property and why this does not apply to food trucks. Additionally, he commented on parking on the street and attracting people who either stand on the street or block the sidewalk and may use restrooms or other facilities that the food service vehicles do not provide.

(Whitehead/Johnson)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

3. Marcel Benoit – Smokes Poutinerie

Mr. Benoit expressed his support for the report as a proactive approach. He agreed that there should be limited permits or limits on area visits. He owns a restaurant and is now moving into the mobile industry.

(Partridge/Whitehead)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

4. Kathy Drewitt – Downtown Hamilton BIA

Ms. Drewitt expressed support, on behalf of the Downtown Hamilton BIA, for the by-law and having mobile food service vehicles while ensuring public safety is upheld.

(Pearson/Collins)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

5. Lynn Page – Concession Street BIA

Ms. Page expressed concerns over an incident where a verbal agreement was made and a truck was parked in a no stopping zone in a prime location next to the hospital. This concern sparked the need for fairness to restaurants as the major anchor for business is the hospital. The main concerns of the Concession Street BIA are parking and the desire for food service vehicles to obtain permission from the BIA.

(Whitehead/Ferguson)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

6. Leah Higin and Bob Wilkins – Ancaster BIA

Ms. Higin expressed concern over the limited parking within the BIA. Removing one parking space does remove business from the BIA. Ms. Higin provided diagrams that address the Ancaster BIA's desire for the boundary limitations.

(Ferguson/Pearson)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

7. Susan Braithwaite – Hamilton International Village

Ms. Braithwaite expressed support for food service vehicles and that restaurants and food trucks, through good communication and by working together, can complement and coexist. She also indicated that a Hamilton Association of Food Trucks may help to promote communication.

(Pearson/Collins)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

8. Patty Hayes – Ottawa Street BIA

Ms. Hayes addressed the Committee with her support of the food service vehicles and indicated that stopping the food truck movement would be very difficult to do. She also expressed that the Ottawa Street BIA does not require further consultation and that the Ottawa Street BIA will be working on a food truck policy for visiting food service vehicles.

(Farr/Collins)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

9. Adam Hynam-Smith – El Gastronomo Vagabundo

Mr. Hynam-Smith addressed some of the concerns expressed by others.

(Ferguson/Collins)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

10. Sandie Susi – Upper Gage Garage

Ms. Susi expressed her support for the food trucks as a business option for her garage. In the winter, they would provide seating and coffee for the trucks and she has seen close to 80 new customers that may be linked to the food truck coming to her business.

(Whitehead/Partridge)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

11. Phyllis Kraemer – Dundas BIA

Ms. Kraemer expressed that the special events which draw in food service vehicles and the current by-law as unsolicited food trucks may set up outside of the special event boundary. She commented

that the good food service vehicle operators are not the issue, the by-law is needed for those who are not a positive business in the community. In other jurisdictions, there are committees who decide who receives food service vehicle licenses.

(Pearson/Whitehead)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

12. Sid Friedman – Ontario Food Trucks Association

Mr. Friedman outlined examples of positive interactions between businesses and food trucks and the options where restaurants start food trucks and vice versa. The Ontario Food Trucks Association supports the proposed by-law amendments.

(Pearson/Collins)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

13. Jim Godina – Dobro Jesti

Mr. Godina outlined why food trucks are a viable business model.

(Farr/Whitehead)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

14. Daniel Rodrigues – ORHMA

Mr. Rodrigues expressed the concerns of ORHMA with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

(Ferguson/Whitehead)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

15. Josie Rudderham – 163 Robinson St., Hamilton, ON L8P 1Z6

Ms. Rudderham spoke in support of the by-law. Sells bread to Gorilla Cheese.

(Pearson/Partridge)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

16. Demetrea Murphy – 219 Dundurn St. S, Hamilton, ON

Ms. Murphy expressed concerns with parking. Refreshment vehicles are taking parking spots from her customers.

(Whitehead/Johnson)

That the presentation respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

(Pearson/Whitehead)

That correspondence from David Adames, Hamilton Chamber of Commerce, respecting Report PED12085, Food Service Vehicles, be received.

CARRIED

(Pearson/Partridge)

That the public meeting respecting Report PED12085, Food Service Vehicles, be closed.

CARRIED

(Partridge/Ferguson)

That the recommendations for Report PED12085, Food Service Vehicles, be amended by adding a new item (f), as follows:

- (f) That staff report back on:
 - (i) Definition on how 20 metre is measured;
 - (ii) How is auxiliary engine noise controlled and maintained to reduce noise to an acceptable level;
 - (iii) Clarity for special events are approved by event organizers;
 - (iv) Allowing any of the BIA's to opt-out;
 - (v) Investigate alternative parking provisions for Food Truck operators parked at municipal parking metres.

Amendment CARRIED

For disposition on this Item, refer to item 7.

(v) **Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane (Ancaster) (PED12081) (Ward 12) (Item 6.5)**

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 members of the public came forward.

(Whitehead/Ferguson)

That the public hearing respecting Report PED12081, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane, be closed

CARRIED

Liam Doherty, the representing the applicant, provided an overview with the aid of a PowerPoint presentation. The presentation has been included in the public record.

(Farr/Whitehead)

That the presentation respecting Report PED12081, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane, be received.

CARRIED

(Ferguson/Johnson)

That Report PED12081, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane, be tabled to the June 19, 2012 meeting of the Planning Committee.

CARRIED

(vi) **Ancaster Wilson Street Secondary Plan and Official Plan Amendments (PED12078) (Ward 12) (Item 6.6)**

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 Secondary Plan 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.

Public Speakers:

- (1) John Ariens – Suite 200, East Wing, 360 James Street North, Hamilton ON L8L 1H5

Mr. Ariens spoke to the provision regarding the walkways and that this item be deferred until the provisions are met.

(Whitehead/Collins)

That the presentation respecting Report PED12078, Ancaster Wilson Street Secondary Plan and Official Plan Amendments, be received.

CARRIED

(Whitehead/Collins)

That the public hearing respecting Report PED12078, Ancaster Wilson Street Secondary Plan and Official Plan Amendments, be closed.

CARRIED

Committee supports the recommendations contained in Report PED12078, Ancaster Wilson Street Secondary Plan and Official Plan Amendments, with exception to the provisions in the following motion:

(Ferguson/Partridge)

That Report PED12078, Ancaster Wilson Street Secondary Plan and Official Plan Amendments, be tabled and that staff be directed to report back to the Planning Committee with proposed revisions to the Secondary Plan to provide for future trail connections to the open space lands from the properties fronting on Wilson Street, including, but not limited to 437 Wilson Street (Mount Mary lands).

CARRIED

(f) DISCUSSION ITEMS

- (i) Review of Approved Applications ROPA-10-002, OPA-10-012, ZAC-10-035, and 25T-201005 for Lands Known as 1125-1185 Wilson Street West (Ancaster) (PED11102(a)) (Ward 12) (Item 8.2)**

Registered Speakers:

- (1) Mary Bull – 65 Queen Street W, Suite 1400, Toronto, ON M5H 2M5

Ms. Bull addressed the Committee with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

(Ferguson/Partridge)

That the presentation respecting Report PED11102(a), Review of Approved Applications ROPA-10-002, OPA-10-012, ZAC-10-035, and 25T-201005 for Lands Known as 1125-1185 Wilson Street West, be received.

CARRIED

For disposition on this Item, refer to item 9.

(g) NOTICES OF MOTION

Councillor Farr introduced the following Notice of Motion:

(i) Hess Village Paid Duty Program

WHEREAS on December 6th, 2011, Staff were requested to investigate a means of returning to a 50/50 paid duty policing cost sharing model for Hess Village bar and restaurant operators;

WHEREAS this request was among many made at the December meeting (subsequently approved by Council) which included a report back before the start of the patio season;

WHEREAS the patio season is upon us;

THEREFORE BE IT RESOLVED THAT any solution be implemented retroactively to the start of the 2011 patio season.

(h) GENERAL INFORMATION AND OTHER BUSINESS

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

(Collins/Ferguson)

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

- (a) Item B: Tow Truck Licences
- (b) Item E: 17 Ewen Road
- (c) Item X: Resolution Mun. of East Ferris change to Part 8 of the Ontario Building Code

CARRIED

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

The General Manager provided updates of several current initiatives within the department.

(i) PRIVATE AND CONFIDENTIAL

(i) Closed Session Minutes – May 1, 2012 (Item 12.1)

(Whitehead/Farr)

That the Closed Session Minutes of the May 1, 2012, meeting of the Planning Committee be approved, as presented, and remain confidential and restricted from public disclosure.

CARRIED

(j) ADJOURNMENT

(Whitehead/Farr)

That, there being no further business, the Planning Committee be adjourned at 6:05 p.m.

CARRIED

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
May 15, 2012