



PLANNING COMMITTEE

MINUTES 13-013

9:30 a.m.

Wednesday, September 4, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor L. Ferguson – Personal

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Changes to the Liquor License Application Review Process (PED09127(g)) (City Wide) (Item 5.1)**

(Johnson/Pasuta)

That the comprehensive Liquor License Application Review Process, approved by City Council on April 25, 2012, be revised in accordance with recent process changes by the Alcohol and Gaming Commission of Ontario (AGCO), as shown in Appendix "A" to Report PED09127(g).

CARRIED

- 2. Heritage Permit Application HP2013-032, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 962 Beach Boulevard (Hamilton) (PED13142) (Ward 5) (Item 5.2)**

(Johnson/Pasuta)

That Heritage Permit Application HP2013-032 be approved for the erection of a new single detached dwelling, with an attached garage, on the designated property at 962 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13142, subject to the submission of a completed site plan and the following conditions:

- (a) That the final design of the attached garage be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (b) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;
- (c) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (d) That as many existing trees as possible shall be retained, and a minimum of one new tree, of a minimum caliper of 55mm of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;
- (e) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit; and,
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than October 31, 2015. If the construction and site alterations are not completed by October 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

3. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Hamilton-Wentworth Official Plan and Hamilton Zoning By-law No. 05-200 for Lands located at 899 Nebo Road (Glanbrook) (PED13147) (Ward 11) (Item 5.3)

(Pearson/Partridge)

That Report PED13147, respecting Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Hamilton-Wentworth Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 899 Nebo Road (Glanbrook), be received.

CARRIED

4. **Appointment By-law under the Building Code Act (PED13148) (City Wide) (Item 5.4)**

(Johnson/Pasuta)

That the By-law, attached as Appendix "A" to Report PED13148, to amend City of Hamilton By-law 12-179, being a By-law to appoint a Chief Building Official, Deputies and Inspectors under Section 3 of the Building Code Act, be approved.

CARRIED

5. **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-13:27, Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street (Hamilton) (PED13123) (Ward 8) (Item 5.7)**

(Johnson/Pasuta)

That the following actions, as detailed in Report PED13123, respecting the appeal of City of Hamilton Committee of Adjustment Severance Application HM/B-13:27 (Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street (Hamilton)), be approved:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application HM/B-13:27, without appropriate conditions;
- (b) That Council direct appropriate Legal Services, Planning, and Growth Management staff to attend the future Ontario Municipal Board (OMB) Hearing in opposition to the decision of the Committee of Adjustment to approve Application HM/B-13:27.

CARRIED

6. **Michael Sabelli (Agent) and Jim Bruzzese (Owner) respecting the reduction in radius and standard for an existing temporary turning circle located on Waterberry Trail (Item 6.2)**

(Whitehead/Pearson)

That the request for an exemption to the Temporary Turning Circle Policy, to allow for the reduction in the radius standard for an existing temporary turning circle located on Waterberry Trail, be approved.

CARRIED

7. **Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the "Red Hill Summit Estates East" Draft Approved Plan of Subdivision (PED13115) (Ward 11) (Item 6.3)**

(Johnson/Partridge)

That approval be given to Zoning By-law Application ZAC-12-069, by Multi-Area Developments Inc., c/o Aldo DeSantis, (Owner), for changes in zoning

from the Residential Multiple - Holding "H-RM3-173(B)" Zone to the Residential Multiple "RM3-173(B)" Zone (Block 1), the Residential - Holding "H-R4-173(A)" Zone to the Residential Multiple "RM2-173" Zone (Block 2), the Residential "R4-173(B)" Zone to the Residential "R4-173(D)" Zone (Block 3), and the Residential - Holding "H-R4-173(B)" Zone to the Residential "R4-173(D)" Zone (Block 4), in order to permit the development of 250 single detached lots, 96 street townhouse units, and 76 block townhouse/maisonette units, in the Draft Approved Plan of Subdivision, "Redhill Summit Estates East" (25T-2002008), now "Summit Park - Phase 8", for lands located south of Rymal Road and east of Fletcher Road (Glanbrook), as shown on Appendix "A" to Report PED13115, on the following basis:

- (a) That staff be directed to amend the Zoning By-law 464 (Glanbrook), respecting lands located at 3250 Homestead Drive (Glanbrook) to reflect that there are to be no balconies facing west;
- (b) That the amending By-law, attached as Appendix "B" to Report PED13115, be added to Schedule "J" of former Township of Glanbrook Zoning By-law No. 464;
- (c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

CARRIED

8. Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (PED12128) (Item 8.1)

(Johnson/Collins)

- (a) That staff be directed to amend the by-law to reflect that there are to be no balconies facing west;
- (b) That approval be given to **Amended Zoning Application ZAC-11-020, by Farzad Karambakhsh, (Owner)**, for a change in zoning to Township of Glanbrook Zoning By-law No. 464 from the Existing Residential "ER" Zone to the Neighbourhood Commercial "C1-272" Zone, with a Special Exception, for the lands located at 3250 Homestead Drive (Glanbrook), as shown on Appendix "A" to Report PED12128, on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED12128, as amended, 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 Schedule "F" of the Township of Glanbrook Zoning By-law No. 464.

- (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan;
- (c) That staff be directed to maximize the landscaping strip on the west side of the property to separate this structure from the residential properties to the west;
- (d) That the Ward 11 Councillor be included in the Site Plan stage of this project.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

9. **Correspondence from Ivan E. Killins, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 8.1(i))**

(Collins/Clark)

That the correspondence from Ivan E. Killins, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be received.

CARRIED

10. **Correspondence from Marianne and Hugh Brown respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 8.1(ii))**

(Collins/Clark)

That the correspondence from Marianne and Hugh Brown, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be received.

CARRIED

11. **Correspondence from Gary Birch respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 8.1(iii))**

(Collins/Clark)

That the correspondence from Gary Birch, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be received.

CARRIED

12. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough) (PED13139) (Ward 14) (Item 8.2)

(Pasuta/Partridge)

- (a) That staff be directed to withdraw the Ontario Municipal Board appeal, respecting the City of Hamilton's Committee of Adjustment decision to approve severance application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough); and,
- (b) That staff be directed to request the Committee of Adjustment amend the conditions of the provisional consent for the severance application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough), by deleting the words "The lands to be retained shall be registered in the same name and title as the lands to which they are to be added (known municipally as 2461-2463 Highway 5 West)", and replacing them with the following in lieu thereof:

"The owner/applicant either receive rezoning approval for the retained farm parcel to prohibit a dwelling or establish a restrictive covenant on the retained farm parcel prohibiting a dwelling to the satisfaction of the Manager of Development Planning, Heritage and Design."

**AMENDMENT CARRIED
MOTION AS AMENDMENT CARRIED**

13. Correspondence from Haliburton, Kawartha, Pine Ridge District Health Unit respecting Municipal and Community Involvement and Control in Renewable Energy Development (*Referred from the Board of Health*) (Item 8.3)

(Clark/Pearson)

That the Correspondence from Haliburton, Kawartha, Pine Ridge District Health Unit, respecting Municipal and Community Involvement and Control in Renewable Energy Development, be received and referred to the Mayor and the City Manager for review.

CARRIED

14. Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 8.4)

(Johnson/Clark)

- (a) That the Red Hill Business Park South Transportation Master Plan Addendum recommendations and projects listed in Report PED13146 be endorsed;
- (b) That the General Manager, Planning and Economic Development Department, be authorized and directed to file the Red Hill Business Park

South Transportation Master Plan Addendum for public review (appeal period) for a minimum period of thirty (30) days;

- (c) That subject to finalization of the thirty (30) day review (appeal) period, the General Manager, Planning and Economic Development Department, be authorized and directed to proceed with the remaining Class Environmental Assessment (EA) process, design and implementation for the following projects:
 - (i) Twenty Road from Dartnall Road to Glover Road (Schedule B);
 - (ii) Twenty Road extension from Glover Road to Trinity Church Arterial Road and the associated southerly extension of the Trinity Church Arterial Road to meet Twenty Road (Schedule C); and,
 - (iii) That a cul de sac be installed between the southern most property of Maple Leaf Foods by 580 Glover Road.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

15. Correspondence from Karen Medeiros, respecting the Red Hill Business Park South Transportation Master Plan Addendum (Item 8.4(i))

(Pearson/Whitehead)

That the correspondence from Karen Medeiros, respecting the Red Hill Business Park South Transportation Master Plan Addendum, be received.

CARRIED

16. Correspondence from Irene and Gerry DiCarlo, respecting the Red Hill Business Park South Transportation Master Plan Addendum (Item 8.4(ii))

(Pearson/Whitehead)

That the correspondence from Irene and Gerry DiCarlo, respecting the Red Hill Business Park South Transportation Master Plan Addendum, be received.

CARRIED

17. Correspondence from John Ednie respecting the Red Hill Business Park South Transportation Master Plan Addendum (Item 8.4(iii))

(Pearson/Whitehead)

That the correspondence from John Ednie, respecting the Red Hill Business Park South Transportation Master Plan Addendum, be received.

CARRIED

18. Process for Advertising and Provision of Notice (City Wide) (CL13002) (Item 8.5)

(Whitehead/Pearson)

That Report CL13002, respecting the process for Advertising and Provision of Notice, be received.

CARRIED

19. Hamilton Municipal Heritage Committee Report 13-004 (Item 8.6)

(Partridge/Whitehead)

Tim Simmons, Chair of the Hamilton Wentworth District School Board respecting Heritage Schools within Hamilton and Collaboration between the Hamilton Wentworth District School Board and the Hamilton Municipal Heritage Committee

That correspondence be sent to the Hamilton Wentworth District School Board thanking Chair Tim Simmons for speaking to the Hamilton Municipal Heritage Committee.

CARRIED

20. Agriculture and Rural Affairs Advisory Committee Report 13-002 (Item 8.7)

(Johnson/Collins)

Bill C-322, an Act to amend the Health of Animals Act and the Meat Inspection Act (slaughter of horses for human consumption) (Item 5.9)

That Bill C-322 an Act to amend the Health of Animals Act and the Meat Inspection Act (slaughter of horses for human consumption), not be supported.

CARRIED

21. Motion for Leave to Appeal to Divisional Court of the Ontario Municipal Board (OMB) Decision in respect of the OMB Appeals of Rural Official Plan Amendment (ROPA) 43, Ancaster Official Plan Amendment (OPA) 137, Zoning By-law Amendment (ZBA) (By-law 11-191), Draft Plan of Subdivision 25T-201005 (1125-1143 Wilson Street West, Ancaster) (LS13030) (Ward 12) (Item 12.2)

(Collins/Clark)

- (a) That Report LS13030 and its Appendix "A" (attached thereto), respecting the Motion for Leave to Appeal to Divisional Court of the Ontario Municipal Board (OMB) Decision in Respect of the OMB Appeals of Rural Official Plan Amendment (ROPA) 43, Ancaster Official Plan Amendment (OPA) 137, Zoning By-law Amendment (ZBA) (By-law 11-191), Draft Plan of Subdivision 25T-201005 (1125-1143 Wilson Street West, Ancaster), remain confidential; and,

- (b) That the City withdraw its motion for leave to appeal in respect of the Ontario Municipal Board (OMB) decision in respect of appeals of the Rural Official Plan Amendment (ROPA) 43, Ancaster Official Plan Amendment (OPA) 137, Zoning By-law Amendment (ZBL) (By-law 11-191), Draft Plan of Subdivision 25T-201005 (1125-1143 Wilson Street West, Ancaster).

CARRIED

22. Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council's Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)

(Whitehead/Clark)

- (a) That Report LS13031, except for Appendix "A" attached thereto, respecting the Ontario Municipal Board Decision in respect of the appeal by Lynwood Charlton Centre from Council's refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, remain confidential; and,
- (b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, and the Human Rights Code.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

- (i) Added as Item 4.4 – Delegation Request from Ed Fothergill and John Clinton respecting a request to bring forward and approve 22-24 Emerald Street South (*tabled August 13, 2013*) for today's agenda
- (ii) Added as Item 4.5 – Delegation Request from Sheryl Fink, International Fund for Animal Welfare, respecting the Responsible Animal Ownership By-law and Item 6.1 on today's agenda
- (iii) Added as Item 4.6 – Delegation Request from Florine Morrison, Zoocheck Canada, respecting the Responsible Animal Ownership By-law and Item 6.1 on today's agenda
- (iv) Added as Item 4.7 – Delegation Request from Karl Mullen respecting Item 8.1 on today's agenda – Report PED12128, Application for an

Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook)

- (v) Added as Item 4.8 – Delegation Request from David Hayes respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)
- (vi) Added as Item 4.9 – Delegation Request from Dawn Ludwig respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)
- (vii) Added as Item 4.10 – Delegation Request from Phyllis Bezeau respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)
- (viii) Added as Item 4.11 – Delegation from Hugh Brown respecting Item 8.1 on today’s agenda – Report PED12128, Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook)
- (ix) Added as Item 4.11 – Delegation Request from Ann Tennier, of Maple Leaf Foods, respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)
- (x) Added as Item 12.2 – Motion for Leave to Appeal to Divisional Court of the OMB Decision in Respect of OMB Appeals of ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T–201005 (1125-1143 Wilson Street West, Ancaster) (LS13030) (Ward 12)
- (xi) Added as Item 12.3 – OMB Decision in Respect of Appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street (Hamilton) (LS13031) (Ward 2)

(Whitehead/Pearson)

That the agenda for the September 4, 2013 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

August 13 2013

(Pearson/Whitehead)

That the minutes of the August 13, 2013 meeting of the Planning Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Harry Harrington respecting Taxi Issues (Item 4.1)

(Whitehead/Pearson)

That the delegation request from Harry Harrington respecting taxi issues, be approved for a future Planning Committee meeting.

CARRIED

(ii) Delegation Request from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting Animal Control (Item 4.2)

(Pearson/Whitehead)

That the delegation request from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting Animal Control, be approved for a future Planning Committee.

CARRIED

(iii) Delegation Request from Marianne and Hugh Brown respecting Item 8.1, the Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 4.3)

(Johnson/Pasuta)

That the delegation request from Marianne and Hugh Brown, respecting the Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Item 8.1 on agenda), be approved to appear before Committee today.

CARRIED

(iv) Delegation Request from Ed Fothergill respecting a Request to Bring Forward and Approve Report PED13119 – Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands located at 22-24 Emerald Street South (Hamilton) (tabled August 13, 2013) for today's agenda (Item 4.4)

(Pearson/Whitehead)

- (a) That the delegation request from Ed Fothergill respecting a request to bring forward and approve Report PED13119 – Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands located at 22-24 Emerald Street South (Hamilton), be approved to appear before Committee today.
- (b) That the Rules of Order be waived to allow for the presentation by Ed Fothergill, respecting a request to bring forward and approve Report PED13119 – Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands located at 22-24 Emerald Street South (Hamilton), at today's meeting.

CARRIED

- (v) **Delegation Request from Sheryl Fink respecting the Responsible Animal Ownership By-law and item 6.1 on today's agenda (Item 4.5)**

(Clark/Pearson)

That the delegation request from Sheryl Fink respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray's Reptile Zoo Inc., be approved to appear before Committee today.

CARRIED

The above motion CARRIED on the following vote:

Yeas:	Clark, Collins, Farr, Partridge, Pearson, Pasuta, Whitehead
Total:	7
Nays:	Johnson
Total:	1
Absent:	Ferguson
Total:	1

- (vi) **Delegation Request from Florine Morrison respecting the Responsible Animal Ownership By-law and item 6.1 on today's agenda (Item 4.6)**

(Pearson/Clark)

That the delegation request from Florine Morrison respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray's Reptile Zoo Inc., be approved to appear before Committee today.

CARRIED

- (vii) **Delegation Request from Karl Mullen, respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.7)**

(Johnson/Partridge)

That the delegation request from Karl Mullen respecting Item 8.4 on today's agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11), be approved to appear before Committee today.

CARRIED

- (viii) **Delegation Request from David Hayes respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.8)**

(Johnson/Pasuta)

That the delegation request from David Hayes, respecting Item 8.4 on today's agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, be approved to appear before Committee today.

CARRIED

- (ix) **Delegation Request from Dawn Ludwig respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.9)**

(Johnson/Pasuta)

That the delegation request from Dawn Ludwig, respecting Item 8.4 on today's agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, be approved to appear before Committee today.

CARRIED

- (x) **Delegation Request from Phyllis Bezeau respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.10)**

(Johnson/Pasuta)

That the delegation request from Phyllis Bezeau, respecting Item 8.4 on today's agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, be approved to appear before Committee today.

CARRIED

- (xi) **Delegation from Hugh Brown respecting Item 6.3 on today's agenda – Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road within the "Red Hill Summit Estates East" Draft Approved Plan of Subdivision (Ward 11) (Item 4.11)**

(Johnson/Pasuta)

That the delegation request from Hugh Brown, respecting Item 6.3 on today's agenda – Report PED13115, Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the "Red Hill Summit, be approved to appear before Committee today.

CARRIED

Subsequent to the approval of the above delegation request, Committee was advised by the Ward Councillor that Mr. Brown wished to speak to Item 8.1 rather than 6.3. Mr. & Mrs. Brown were already listed to speak under Item 8.1; therefore, no further approval was required.

- (xii) **Delegation Request from Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods, respecting Item 8.4 on today's agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum (Item 4.12)**

(Pasuta/Johnson)

That the delegation from Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods for Maple Leaf Foods, respecting Item 8.4 on today's agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, be approved to appear before Committee today.

CARRIED

- (e) **Minutes of Various Advisory and Sub-Committee Meetings (Items 5.5 & 5.6)**

(Pearson/Partridge)

That the following Advisory and Sub-Committee meeting minutes, be received:

- (i) Hamilton Historical Board Minutes (Items 5.5(i) and (ii))

1. April 16, 2013
2. May 21, 2013

- (ii) Tow Truck Licensing Sub-Committee Minutes – June 13, 2013 (Item 5.6)

CARRIED

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Paul Goulet and Steve Featherstone, Little Ray's Reptile Zoo (Hamilton) Inc. respecting a Request for Exemption to the Responsible Animal Ownership By-law (Item 6.1)

Mr. Goulet, Founder and Director of Little Ray's Reptile Zoo Inc., addressed Committee respecting a request for exemption to the Responsible Animal Ownership By-law. His comments included, but were not limited to, the following:

- The company was founded in 1995 and opened to public in 2000, and has been providing educational programs across Canada since its inception.
- The zoo itself holds permits to work in every province and has never had an issue in any city or province they've been in. The Zoo has also been able to meet the requirements set out by each province.
- The zoo was founded on the premise of active educational programming, and quickly became a resource for authorities dealing with unwanted pets and confiscated animals.
- Works closely with the SPCA, Humane Societies across Canada and Environment Canada.
- Currently has nine world class exhibits.
- Provides training for accredited zoos and museums.
- The zoo has exhibits that rotate between Hamilton and Ottawa that rotate every 4 months to a year.
- It is our belief that we are exempted from the Animal Control By-law under Section 3.2(k) as a temporary display of animals and had the same confirmed by Animal Control staff in Hamilton on two separate instances.
- We are here to ask for an exemption to the By-law, as they may receive animals that are not temporary.
- The owners applied and received zoning approval where they did state that they would have reptiles and crocodilians.
- The mandate is to promote responsible animal ownership; conservation and rescue.

- All of the programs are created by educators, teachers and biologists.
- Advocates for federal legislation to control exotic animals; including giant pythons, like the one that caused the incident that occurred in New Brunswick.
- Canadian Accredited Zoos and Aquariums (CAZA) – our facility has applied for accreditation for the facility in Hamilton.
- They must remain open to apply for accreditation, which is a one and a half year process. They are currently undergoing the accreditation process and the zoo does meet the standards.

(Partridge/Pearson)

That the presentation from Paul Goulet and Steve Featherstone, of Little Ray's Reptile Zoo (Hamilton) Inc., respecting a request for exemption to the Responsible Animal Ownership By-law, be received.

CARRIED

(ii) Florine Morrison, Zoocheck Canada, respecting the Responsible Animal Ownership By-law and Item 6.1 on today's agenda (Item 6.1(i))

Ms. Morrison, Zoocheck Canada, addressed Committee respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray's Reptile Zoo Inc. Ms. Morrison's comments included, but were not limited to, the following:

- Opposed to granting the exemption to the Responsible Animal Ownership By-law.
- Granting the exemption would be setting a dangerous precedent for a wide range of other businesses that would like to set up shop in Ontario's major cities.
- There is currently a company that wants to bring cheetahs into schools. Don't create an opportunity for them to seek exemptions as well.
- The current by-law is in harmony with what other jurisdictions have done or are doing. It's reasonable and an exemption would be difficult to enforce. What's to stop the zoo from bringing prohibited animals in and out of the city?

- The current by-law is good for animals; it recognizes that it is no longer acceptable to keep dangerous or difficult, wild animals for amusement or profit.
- Enforcement of the by-law also keeps the City of Hamilton from supporting the exotic animal trade.
- Many of the animals that are prohibited are very dangerous animals, such as alligators or crocodiles. None of which should be kept in close proximity to the public.
- I urge you to do what's best for the animals and the City by enforcing your current Responsible Animal Ownership By-law.

(Pearson/Whitehead)

That the presentation by Florine Morrison, Zoocheck Canada, respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray's Reptile Zoo Inc., be received.

CARRIED

(iii) Delegation Request from Sheryl Fink, International Fund for Animal Welfare, respecting the Responsible Animal Ownership By-law and Item 6.1 on today's agenda (Item 6.1(ii))

Ms. Fink addressed Committee respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray's Reptile Zoo Inc. Ms. Fink's comments included, but were not limited to, the following:

- Ms. Fink spoke in support of the City of Hamilton's Responsible Animal Ownership By-law; it's reasonable, fair and should possibly be strengthened.
- International Fund for Animal Welfare (IFAW) works with individual animals, animal populations and habitats all over the world. With projects in more than 40 countries.
- IFAW is in support of the City of Hamilton's Responsible Animal Ownership By-law.
- Concerned that an exemption could set a precedent for others who would want exemptions, or would continue to operate until they get caught.

- Strict legislation is required for public health and safety, the proper and humane care for the health and welfare of the animals as well as protection of the natural environment.
- The By-law is reasonable, fair and should be enforced, if anything should be strengthened, especially in light of what happened in New Brunswick this summer.

(Pearson/Pasuta)

That the presentation by Sheryl Fink, International Fund for Animal Welfare, respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray's Reptile Zoo Inc., be received.

CARRIED

(iv) Michael Sabelli (Agent) and Jim Bruzzese (Owner) respecting the Reduction in Radius and Standard for an Existing Temporary Turning Circle Located on Waterberry Trail (Item 6.2)

Mr. Sabelli and Mr. Bruzzese addressed Committee respecting the reduction in radius and standard for an existing temporary turning circle located on Waterberry Trail. Their comments included, but were not limited to, the following:

- Here to ask that staff be permitted to deviate from the existing policy to adjust the temporary turning circle to allow for the construction of a single lot by Waterberry Trail.
- There is ample land behind the temporary turning circle for future snow storage.
- Mr. Sabelli and Mr. Bruzzese have been working with staff and the Ward Councillor (Councillor Whitehead) with respect to this matter.
- Mr. Bruzzese will be contributing approximately \$30,000 in development charges and approximately \$5,000 a year in property taxes.
- Mr. Bruzzese has serviced the land with municipal water and sewers.

(Collins/Pasuta)

That the presentation from Michael Sabelli (Agent) and Jim Bruzzese (Owner) respecting the reduction in radius and standard for an existing temporary turning circle located on Waterberry Trail, be received.

CARRIED

A copy of the handouts, respecting Item 6.2, are available on-line or through the office of the City Clerk.

(v) **Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (PED13115) (Ward 11) (Item 6.3)**

In accordance with the provision of the Planning Act, Chair J. Farr 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 Draft Approved Plan of Subdivision, 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.

Chair Farr inquired three times if anyone in attendance wished to address the Committee respecting this item.

No speakers came forward with respect to Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision.

(Johnson/Partridge)

That the public meeting, respecting Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision, be closed.

CARRIED

(Pearson/Whitehead)

That the staff presentation, respecting Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision, be waived.

CARRIED

For disposition on this Item, refer to Item 7 above.

(vi) **Frank Attardo, on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive (Item 8.1 - PED12128) (Item 6.4)**

Mr. Attardo addressed Committee, on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive. Mr. Attardo's comments included, but were not limited to, the following:

- Consultation with the Ward Councillor (B. Johnson) and members of the community has occurred.
- A further public meeting was held to advise the neighbourhood that the applicant was coming back to Committee to present the enhanced renderings of the development, and to answer any questions about the project. This meeting happened on August 22, 2013 and there were over 30 people in attendance. Councillor Johnson and Alvin Chan, Planner, also attended.
- Over half of the attendees were supportive and those who might still be opposed to the project were very cordial and had all of their concerns and questions answered.
- The application is fully in agreement with the City's Official Plan and the former Glanbrook Official Plan.
- The applicant has complied with every demand made by the City and consulted with the City prior to formulating his plan.
- This development is in the same corridor that the City identifies in the proposed Mount Hope Airport Gateway Community Improvement Initiatives Project Area.
- We would ask Committee to approve the development and send it to Council for ratification.

(Pearson/Whitehead)

That request by Larry Dilanni to speak with Frank Attardo on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive, be approved to appear before Committee today.

CARRIED

(Whitehead/Pearson)

That the presentation by from Frank Attardo and Larry Dilanni, on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive, be received.

CARRIED

(vii) Ed Fothergill and John Clinton respecting a request to Bring Forward and Approve Report PED13119, Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton (Item 6.5)

Mr. Fothergill and Mr. Clinton addressed Committee, respecting their request to bring forward and approve Report PED13119, Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton, which was tabled at the August 13, 2013 Planning Committee meeting to allow the Ward 3 Councillor to conduct public meetings. Mr. Fothergill's and Mr. Clinton's comments included, but were not limited to, the following:

- We are here today asking that the report be brought forward and addressed today. If not today, at least at the next Planning Committee meeting.
- Mr. Clinton introduced himself as the Executive Director of St. Leonard's.
- St. Leonard's has been at the same location for many years and is a facility that helps to transition people from prison into the community.
- There have been no issues raised that suggest there are problems with the site.
- Renovations are being made to make the building accessible – the building is aging.
- No attempt is being made to increase the size of the building or to change the use. We currently have 36 beds and are only planning on operating the same as we have for the last 38 years.
- The delay is costing both time and money that could be invested into the property.
- The applicant has invested over \$2,000,000 in Hamilton upgrading and making the building accessible. This has created 10 living wage jobs.
- The applicant held an open house and there was no public outcry. We also have a 7 foot sign in front of the building and there has been no public outcry to the sign. They are not aware of any outstanding concerns.
- The renovations have been to increase the washroom space in order to fit the accessible design; we are building new bedrooms

(larger to accommodate accessibility), but we are losing space elsewhere to accommodate the new elevator.

(Clark/Johnson)

That the presentation, respecting the request to bring forward and approve Report PED13119, Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton, which was tabled at the August 13, 2013 Planning Committee meeting to allow the Ward 3 Councillor to conduct public meetings, be received.

CARRIED

(Clark/Pearson)

That Report PED13119, respecting the Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton be lifted from the table and addressed at either the September 17, 2013 Planning Committee meeting, or at the very latest, the October 1, 2013 Planning Committee meeting.

CARRIED

(viii) Karl Mullen respecting Item 8.4 on today's agenda (Item 6.6)

Mr. Mullen was not in attendance when he was called upon.

(ix) David Hayes respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)

Mr. Hayes addressed Committee and provided his comments that included, but were not limited to, the following:

- Concerns are primarily related to traffic flow.
- The neighbourhood has approximately 30 residents.
- The plant is not even up and running yet and we have approximately 1 ½ hours of steady traffic through the neighbourhood. The cul de sac is one way of maintaining some peace and quiet.

(x) Dawn Ludwig respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 6.7)

Ms. Ludwig addressed Committee and provided her comments that included, but were not limited to, the following:

- On November 8, 2011, I attended a Planning meeting at the City of Hamilton. At the meeting I spoke concerning the request to have a cul-de-sac installed to separate our residential area from the manufacturing facilities of the same street. The development of an Industrial Park had just started.
- I submitted a signed petition from the residents residing between 580 Glover Road and 703 Glover Road. Residents were and still are very concerned about traffic and safety.
- The request was a unanimous decision from all homeowners at the time. Unfortunately a couple homeowners have changed their view. I believe only two homeowners of many.
- I have recently spoken to the majority of homeowners from 580 to 703 Glover Road. We still have well over 90% in favor of a cul-de-sac.
- I stand in front of you all again today, almost 2 years later with the same request. We have lost our rural community and it will only get worse as more industry moves in.
- Many trees were cut down on our properties so that huge hydro poles could be erected to supply the hydro needed for the industrial park. This was really upsetting.
- Last time I spoke here Maple Leaf had just started there development. We now have Navistar across from the Maple Leaf plant. Maple Leaf expects to hire 670 employees and will operate 24 hrs a day, 7 days a week. Navistar has built a massive building and I am sure they will be hiring many employees.
- I expect that other large businesses will open up on Glover Road in the vacant spaces still available in the near future.
- Traffic going by our residential homes has been extremely busy over the last number of months with many construction workers flying by to work on the Maple Leaf plant or the Navistar plant.
- I don't even want to think about the amount of traffic once these plants officially open and then other industries open down the road in the future.
- It is very difficult and dangerous to back out of our driveways with the volume and speed of traffic going by our homes. We have a legally blind young man living in our residential area. I would often see him and his Mom going for walks down the road. A while back his Mom said she doesn't dare anymore, it is just not safe.

- The City has posted signs which state no trucks allowed in our residential area. Unfortunately the signs are ignored over and over again.
- Many neighbours, myself included, have called the City numerous times with issues related to traffic and safety.
- I have been in contact with the City on many occasions since November 2011. I would ask if they were close to giving us an answer on the cul-de-sac. They would report that reviews and studies were taking place and they could not give us an answer yet. Almost 2 years has now gone by. It has been really difficult waiting as I and other neighbours watch the development happening next to us.
- We have recently heard that staff is not recommending a cul-de-sac for Glover Road. They have another alternative, we are told.
- The former Glanbrook Council created this Industrial Park with the promise that our enclave of houses would be protected with a cul-de-sac separating our residential area from the manufacturing facilities of the same street once development of the Industrial Park was underway. By creating the Industrial Park they changed the zoning from agricultural to industrial.
- The residents of Glover Road have been here for many years, The City of Hamilton should honor this promise. Keep us separated, please.

(Johnson/Pasuta)

That the presentation from Dawn Ludwig, respecting Report PED13146 – Red Hill Business Park South Transportation Master Plan Addendum, be received.

CARRIED

(xi) Phyllis Bezeau respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 6.8)

Ms. Bezeau addressed Committee and provided her comments that included, but were not limited to, the following:

- I had a stroke and cannot walk down the road because of the traffic.
- I have to watch when putting the garbage out (between 6:30 a.m. and 7:30 a.m.) to be sure I don't get hit because of all the traffic.

- Between 4:00 and 5:00 p.m., in less than 15 minutes, I counted at least 100 cars that went past our house.
- The stop light is not helping.
- We need to be separated from the industrial park.
- Maple Leaf has been fantastic. However, Navistar has unloaded trucks at 4:00 a.m. – this is unacceptable.
- We are aware that EMS will be slightly slower if a cul de sac is put in.

(Pearson/Whitehead)

That the presentation from Phyllis Bezeau respecting Report PED13146 – Red Hill Business Park South Transportation Master Plan Addendum, be received.

CARRIED

(xii) Marianne Brown respecting Item 8.1, respecting Report PED12128 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (Ward 11) (Item 6.9)

- Family has lived in Mt. Hope for almost four generations.
- Our understanding with the former Council of Glanbrook was that future development of Homestead was to stay existing residential.
- We are concerned with the way (the project) is designed. There are 12 units, which is too much for this property. The property should only hold maybe 3 houses. The apartment is way too big and distorts the property.
- I don't mind townhouses.

(Pearson/Collins)

That the presentation from Marianne Brown, respecting Report PED12128 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision, be received.

CARRIED

(xiii) Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods, respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 6.10)

- Here to comment on the matter under consideration regarding the potential cul de sac.
- Council approved the Maple Leaf meat processing plant in October 2011, since then the plant has been built.
- Thanked residents for their understanding and patience as they work through the construction of the project,
- Maple Leaf held its first open house on November 2, 2011, which was very well attended (between 125-150 people in attendance).
- There was a petition presented, which Maple Leaf signed; they were at the time and still are in support of the proposed cul de sac, should the City decide to go in that direction.
- Since then we've had four more open houses that were all well attended. Each had 50 to 75 people depending on what was being discussed at the time. Each time the matter of cul de sac and Glover Road was discussed.
- We've done our best to restrict trucks and traffic, from our operations, on Glover Road, but we recognize the increase of traffic from newer businesses in the area and our construction employees travelling to the site.
- Once we open, some of our employees might use Glover Road to come to work. We have already put into our employee orientation package that there are alternate routes to get to work so employees don't have to go down Glover Road.
- We have also checked with HSR to see if a bus route can be accommodated should a cul de sac be approved.
- In short, operational needs can be met if that route is selected.
- If you would like to consider the cul de sac option, Maple Leaf is certainly willing to work with staff to accommodate what needs to be done.

(Johnson/Pasuta)

That the delegation by Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods, respecting Report PED13146 – Red Hill Business Park South Transportation Master Plan Addendum, be received.

CARRIED

(g) Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (PED12128) (Item 8.1)

(Whitehead/Collins)

That Report PED12128, respecting the Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be lifted from the table for consideration.

CARRIED

(Johnson/Clark)

That Report PED12128, respecting Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be amended by adding sub-sections (b) through (d) to read as follows:

- (b) That staff be directed to maximize the landscaping strip on the west side of the property to separate this structure from the residential properties to the west;
- (c) That staff be directed to amend the by-law to reflect that there are to be no balconies facing west;
- (d) That the Ward 11 Councillor be included in the Site Plan stage of this project.

CARRIED

(h) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough) (PED13139) (Ward 14) (Item 8.2)

(Pasuta/Partridge)

That Report PED13139, be amended by deleting the recommendation in its entirety and replacing it with the following in lieu thereof:

- (a) That staff be directed to withdraw the Ontario Municipal Board appeal, respecting the City of Hamilton's Committee of Adjustment decision to approve severance application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough); and,
- (b) That staff be directed to request the Committee of Adjustment amend the conditions of the provisional consent for the severance application FL/B-

13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough), by deleting the words "The lands to be retained shall be registered in the same name and title as the lands to which they are to be added (known municipally as 2461-2463 Highway 5 West)", and replacing them with the following in lieu thereof:

"The owner/applicant either receive rezoning approval for the retained farm parcel to prohibit a dwelling or establish a restrictive covenant on the retained farm parcel prohibiting a dwelling to the satisfaction of the Manager of Development Planning, Heritage and Design."

(i) Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 8.4)

(Johnson/Clark)

That sub-section (c)(iii) of Report PED13146, respecting the Red Hill Business Park South Transportation Master Plan Addendum, be amended by deleting it in its entirety:

~~(iii) Glover Road Traffic Island (Schedule A)~~

and replacing it with the following in lieu thereof:

(iii) That a cul de sac be installed between the southern most property of Maple Leaf Foods by 580 Glover Road.

The above motion CARRIED on the following vote:

Yeas:	Johnson, Partridge, Clark, Collins, Pasuta
Total:	5
Nays:	Farr, Pearson, Whitehead
Total:	3
Absent:	Ferguson
Total:	1

(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

(Collins/Clark)

That the following items be considered complete and removed from the Planning Committee's Outstanding Business List:

- (a) Item H: Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook)
- (b) Item Z: By-law Advertising: Provisions of Public Notice Report
- (c) Item HH: Delegation from Farzad Karambakhsh respecting 3250 Homestead Drive (PED12128)

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

The General Manager provided updates of current events and initiatives within the Planning and Economic Development Department.

(l) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – August 13, 2013

As Committee determined that no discussion, respecting the Closed Session Minutes of August 13, 2013 meeting of the Planning Committee was required, the Minutes were approved in Open Session, as shown below:

(Pearson/Collins)

- (a) That the Closed Session Minutes of the August 13, 2013 meeting of the Planning Committee be approved, as presented.
- (b) That the Closed Session Minutes of the August 13, 2013 meeting of the Planning Committee, remain confidential and restricted from public disclosure.

CARRIED

(m) Motion for Leave to Appeal to Divisional Court of the Ontario Municipal Board (OMB) Decision in Respect of the OMB Appeals of Rural Official Plan Amendment (ROPA) 43, Ancaster Official Plan Amendment (OPA) 137, Zoning By-law Amendment (ZBA) (By-law 11-191), Draft Plan of Subdivision 25T-201005 (1125-1143 Wilson Street West, Ancaster) (LS13030) (Ward 12) (Item 12.2)

(Pearson/Clark)

That the Planning Committee move into Closed Session, at 3:30 p.m. for the discussion of Item 12.2, respecting a Motion for Leave to Appeal to Divisional Court of OMB Decision in Respect of OMB Appeals of ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T-201005 (1125-1143 Wilson Street West, Ancaster), pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, 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 City; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

For disposition of this matter, refer to Item 21 above.

- (n) **Ontario Municipal Board (OMB) Decision in respect of the Appeal by Lynwood Charlton Centre from Council's Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)**

(Pearson/Clark)

That the Planning Committee move into Closed Session, at 3:30 p.m. for the discussion of Item 12.3, respecting Report LS13031, Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council's refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, 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 City; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

The above motion CARRIED on the following vote:

Yeas:	Clark, Farr, Johnson, Partridge, Pearson, Pasuta, Whitehead
Total:	7
Nays:	Collins
Total:	1
Absent:	Ferguson
Total:	1

For disposition of this matter, refer to Item 22 above.

- (o) **ADJOURNMENT**

(Partridge/Pasuta)

That, there being no further business, the Planning Committee be adjourned at 4:33 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk