



## **PLANNING COMMITTEE**

### **MINUTES 13-001**

**9:30 am**

**Tuesday, January 15, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors J. Farr (Chair), B. Johnson (1<sup>st</sup> Vice Chair), J. Partridge (2<sup>nd</sup> Vice Chair), B. Clark, C. Collins, L. Ferguson, R. Pasuta, and M. Pearson

**Absent with Regrets:** Councillor T. Whitehead – Personal  
Councillor B. Johnson – City Business

**Also Present:** Councillor T. Jackson  
Councillor B. McHattie

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#### **THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:**

**1. Recovery of Costs Associated with Licensing Tribunal and Property Standards Committee Decisions (PED13015) (City Wide) (Item 5.1)**

**(Clark/Pearson)**

- (a) That, where the Licensing Tribunal makes a decision which refuses, revokes, suspends or imposes conditions on a business license and the decision causes the City to incur costs, the applicant for the license or license holder shall pay any and all such costs incurred by the City, including but not limited to the costs for City staff;
- (b) That, where the Property Standards Committee makes a decision which modifies a property standards order, and the decision causes the City to incur costs, the property owner shall pay any and all such costs incurred by the City, including but not limited to the costs for City staff;
- (c) That the City's User Fee and Charges By-Law be amended accordingly to reflect the related costs for the Licensing Tribunal and Property Standards

Committee decisions, as outlined in recommendations (a) and (b) of Report PED13015.

**CARRIED**

**2. Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Approval of a Revision to a Draft Approved Plan of Subdivision (25T-200808), "Penny Lane Estates", for Lands Located at 43 and 47 Mud Street West (now 93 and 99 Penny Lane) (Stoney Creek) (PED13013) (Ward 9) (Item 6.1)**

**(Pearson/Clark)**

- (a) That approval be given to **Amended Official Plan Amendment Application OPA-12-015, by Parkside Developments, Owner**, for Amendment No. [REDACTED] to the Stoney Creek Official Plan, for a change in designation on Schedule "A3" from "Low Density Residential" to "Medium Density Residential", in order to permit 15 street townhouse units on the northerly portion of the lands located at 43 and 47 Mud Street West, and on lands east of 43 and 47 Mud Street West (Stoney Creek), as shown on Appendix "A" to Report PED13013, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED13013, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
- (b) That Urban Hamilton Official Plan Amendment No. [REDACTED], to amend Map B.7.6-1-West Mountain Area (Heritage Green) Secondary Plan from "Low Density Residential 2b" to "Low Density Residential 3c" and to add a site-specific Policy B.7.6.8.X to permit residential development within 160m of the limits of a quarry under rehabilitation, attached as Appendix "C" to Report PED13013, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting pursuant to the provisions of the Planning Act to consider the proposed Urban Hamilton Official Plan Amendment, for lands located within the Draft Plan of Subdivision "Penny Lane Estates", Part Lots 25 and 26, Concession 7 (Stoney Creek);
- (c) That approval be given to **Zoning Amendment Application ZAC-11-081, by Parkside Developments, Owner**, for a change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-19" Zone, to permit the development of 15 street townhouse dwelling

units, for lands located at 43 and 47 Mud Street West (Stoney Creek), as shown on Appendix "D" to Report PED13013, on the following basis:

- (i) That the draft By-law, attached as Appendix "E" to Report PED13013, 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 No. "16" 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. [REDACTED].
- (d) That approval be given to a **Revision to Draft Approved Plan of Subdivision Application 25T-200808, by Parkside Developments, Owner, as redlined revised**, to incorporate into the draft plan of subdivision known as "Penny Lane Estates", lands located at 43 and 47 Mud Street West (Stoney Creek), as shown on Appendix "D" to Report PED13013, subject to the following conditions:
- (i) That this approval apply to "Penny Lane Estates", 25T-200808(R), prepared by IBI Group, and certified by S.D. McLaren, O.L.S., dated December 19, 2011, as redlined revised, showing 13 lots for street townhouses (Lots 267-272 and 274-280), 2 blocks for future development (Blocks 266 and 273), and showing lands to be used for "Street F", attached as Appendix "F" to Report PED13013, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "G" to Report PED13013;
  - (ii) Acknowledgement that there will be no City share for any municipal works associated with this development;
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each Building Permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the land on the day prior to the issuance of the first Building Permit for each said Lot or Block. A parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (e) That upon finalization of the implementing By-law, the subject lands be re-designated from “Low Density Residential” to “Medium Density Residential” in the Felker Neighbourhood Plan;
- (f) That any warning clauses identified in Subdivision Agreements and in all offers of Purchase and Sale Agreements relating to condition “56” in Appendix G of Report PED13013, not be released from Title Subdivision Agreements.

**CARRIED**

**3. Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 726 Upper Gage Avenue (Hamilton) (PED13019) (Ward 6) (Item 6.2)**

**(Ferguson/Collins)**

- (a) That approval be given to Zoning Application ZAC-12-037, by St. Daniel’s Drugmart, Owner, for a change in zoning to Hamilton Zoning By-law No. 6593 from the “C” (Urban Protected Residential, Etc.) District to the “G/S-1662” (Neighbourhood Shopping Centre, Etc.) District, with a Special Exception, in order to permit the conversion of the existing, former Canada Post building to a medical centre and pharmacy, for the lands located at 726 Upper Gage Avenue, as shown on Appendix “A” to Report PED13019, on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED13019, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
- (b) That Urban Hamilton Official Plan Amendment No. ■■■, to amend Map 2 of Volume 3 (Urban Site-Specific Key Map) to establish a new Urban Site-Specific Area # UHN-■■■, and to add the text to permit the conversion of the existing former Canada Post facility to medical offices and a pharmacy, attached as Appendix “C” to Report PED13019, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting pursuant to the provisions of the Planning Act to consider the proposed Urban Hamilton Official Plan Amendment, for lands located at 726 Upper Gage Avenue (Hamilton);

- (c) That at the site plan stage, staff be directed to add language to ensure the preservation of the Barton Corner Stone.

**CARRIED**

**4. Hamilton Municipal Heritage Committee – Report 12-006 (Item 8.1)**

**(Collins/Ferguson)**

**(a) Request to Designate 18-22, 24 and 28 King Street East, Hamilton (no copy) (Item 6.1)**

- (i) That as per Section 8.(10) of the Building Code Act, the permit holder, request in writing that the demolition permit for 18-22 King Street East, Hamilton, ON (Thomas building) be revoked;
- (ii) That once the permit has been revoked for 18-22 King Street East, that those addresses be placed on the Municipal Register of Property of Cultural Heritage Value or Interest;
- (iii) That City Council agrees not to designate 18-22, 24 and 28 King Street East, at this time.

**(b) Correspondence from Brad MacDonald, Coordinator of the Building & Renovation Program at Mohawk College, respecting support for a proposed new post graduate course titled “Heritage Restoration” (Item 7.6)**

That a letter be sent from the Hamilton Municipal Heritage Committee to Mohawk College, Faculty of Skilled Trades and Apprenticeship in support of the development of a course respecting Heritage Restoration.

**CARRIED**

**5. Hamilton Municipal Heritage Committee – Report 12-004 (Item 8.2)**

**(Collins/Ferguson)**

That Hamilton Municipal Heritage Committee – Report 12-004, be received.

**CARRIED**

**6. Hamilton Municipal Heritage Committee Report 12-005 (Item 8.3)**

**(Farr/Collins)**

That items 1(i), (v) and (vi) of Hamilton Municipal Heritage Committee Report 12-005, be received.

**CARRIED**

**7. Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) - Recommended for Denial by the Planning and Economic Development Department but Approved by the Committee of Adjustment (PED13012) (Ward 12) (Item 8.4)**

**(Ferguson/Partridge)**

Whereas Landmart Reality Corporation has agreed to settle their OMB appeal of their severance applications for Block 102 of Plan 62M-1116 on Fair Street (Ancaster).

Therefore, Be It Resolved:

That Council for the City of Hamilton agrees to the settlement of the OMB Appeal by Landmart Reality Corporation of the severance applications for Block 102 of Plan 62M-1116 on Fair Street (Ancaster) on the following basis:

- (a) That Landmart Reality Corporation has agreed to and will convey the lands identified as "5" on Appendix "G" to Report PED13012 to the City at no cost to the City;
- (b) That Landmart Reality Corporation has agreed that the lands identified as Block 14 on Plan 62M-1116 will be conveyed to the City at no cost to the City;
- (c) The foregoing two requirements of the settlement will be included as conditions of the approval of the severance by the OMB.

**CARRIED**

**8. Waiving of Fees for a Single Detached Dwelling by the Habitat for Humanity Hamilton Organization, 2 Comet Avenue (Hamilton) (PED13009) (Ward 5) (Item 8.5)**

**(Collins/Pearson)**

That Council approve the request from Habitat for Humanity Hamilton to waive fees for the development of a single detached dwelling, on the lands located at 2

Comet Avenue (Hamilton), as shown on Appendix "A" to Report PED13009, on the following basis:

- (a) That Planning and Economic Development Department fees, in the amount of \$1,530.00, be exempted. These fees include a Site Plan Application fee of \$1,460.00, and a Driveway Access Permit of \$70.00;
- (b) That Council deem Habitat for Humanity Hamilton to be a "charitable, non-profit use" under Sub-section 11.(6) of Parkland Dedication By-law 09-124. As such, the development will be exempt from a Cash-in-Lieu of Parkland Dedication of \$2,750.00;
- (c) That the Municipal Development Charge (DC) Liability of \$26,927.00 and the GO Transit DC Liability of \$215.00, resulting from the development of 2 Comet Avenue (Hamilton), by Habitat for Humanity Hamilton, be exempted;
- (d) That Site Plan Security of \$2,000.00 not be exempted, as this security will be refunded when the applicable site works have been completed;
- (e) That the Driveway Access Installation charge of \$713.70 not be exempted, as this charge is to cover the actual contractor fees for installing residential driveway approaches;
- (f) That the Building Services fees (Building Permit and Water and Sewer fees), totaling \$2,288.60, not be exempted, as waiving fees is inconsistent with the policy of full cost recovery and there is no provision within the Building Code Act that would permit the Chief Building Official to waive fees;
- (g) That Education Development Charges of \$610.00 not be refunded, as the City has no Authorization to exempt this fee.

**CARRIED**

**9. Business Licensing Fee Review (PD01104(g)) (Item 8.6)**

**(Clark/Pearson)**

- (a) That Report PD01104(g), Business Licensing Fee Review, be received;
- (b) That 1-year of the 5-year phase in proposed for Business Licensing Fee increases, be approved.

**CARRIED**

**10. Pier 8 Master Plan (Item 9.1)**

**(Collins/Partridge)**

- (a) That upon receipt of the Setting Sail OMB order for Pier 8 and the completion of servicing studies, Master Plan Options be developed for the pier;
- (b) That the scope of work include new street/access configurations, land tenure/subdivision of lands, urban design guidelines/features; all to best accommodate the approved land use scheme;
- (c) That part of the Master Planning exercise include a public Design Charrette to solicit public input.

**CARRIED**

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**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

**(Clark/Pearson)**

That the Agenda for the January 15, 2013 meeting of the Planning Committee be approved.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Ferguson declared a conflict of interest for item 8.6, Business Licensing Fee Review (PD01104(g)), as his family is involved with one of the businesses (taxi) whose fees are being reviewed.

Councillor Partridge declared a conflict of interest for item 8.6, Business Licensing Fee Review (PD01104(g)), as her family is involved with one of the businesses (plumbing) whose fees are being reviewed.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) December 4, 2012**

**(Clark/Collins)**

That the Minutes of the December 4, 2012 Planning Committee meeting be approved.



**CARRIED**

**(ii) December 11, 2012**

**(Clark/Collins)**

That the Minutes of the December 11, 2012 Planning Committee meeting be approved.

**CARRIED**

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Delegation Request from David Almas respecting 11 Springside Dr. (Item 4.1)**

**(Pearson/Clark)**

That the delegation request from David Almas respecting 11 Springside Dr., be approved for a future meeting.

**CARRIED**

**(ii) Delegation Request from Ron and Gayle Sebastian respecting new homes being built in established neighbourhoods (Item 4.2)**

**(Partridge/Pearson)**

That the delegation request from Ron and Gayle Sebastian respecting new homes being built in established neighbourhoods, be approved for a future meeting.

**CARRIED**

**(iii) Delegation Request from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton (Item 4.3)**

**(Pasuta/Ferguson)**

That the delegation request from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton, be approved for the February 19, 2013 Planning Committee meeting.

**CARRIED**

- (iv) **Delegation Request from John Ariens respecting Item 8.4 on today's agenda, report PED13012, Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) (Item 4.4)**

**(Ferguson/Pearson)**

That the delegation request from John Ariens respecting Item 8.4 on today's agenda, report PED13012, Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster), be approved.

**CARRIED**

**(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**

- (i) **Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Approval of a Revision to a Draft Approved Plan of Subdivision (25T-200808), "Penny Lane Estates", for Lands Located at 43 and 47 Mud Street West (now 93 and 99 Penny Lane) (Stoney Creek) (PED13013) (Ward 9) (Item 6.1)**

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 official plan, zoning by-law amendment, and revision to a 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.

No public speakers came forward.

**(Pearson/Partridge)**

That the public meeting respecting, Report PED13013, Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Approval of a Revision to a Draft Approved Plan of Subdivision (25T-200808), "Penny Lane Estates", for Lands Located at 43 and 47 Mud Street West (now 93 and 99 Penny Lane) (Stoney Creek), be closed.

**CARRIED**

**(Pearson/Ferguson)**

That the staff presentation respecting, Report PED13013, Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Approval of a Revision to a Draft Approved Plan of Subdivision (25T-200808), "Penny Lane Estates", for Lands Located at 43 and 47 Mud Street West (now 93 and 99 Penny Lane) (Stoney Creek), be waived.

**CARRIED**

**(Pearson/Clark)**

That the recommendations contained in Report PED13013, Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Approval of a Revision to a Draft Approved Plan of Subdivision (25T-200808), "Penny Lane Estates", for Lands Located at 43 and 47 Mud Street West (now 93 and 99 Penny Lane) (Stoney Creek), be amended by adding a new sub-section (f), as follows:

- (f) That any warning clauses identified in Subdivision Agreements and in all offers of Purchase and Sale Agreements relating to condition "56" in Appendix G of Report PED13013, not be released from Title Subdivision Agreements.

**Amendment CARRIED**

For disposition on this Item, refer to item 2.

**(ii) Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 726 Upper Gage Avenue (Hamilton) (PED13019) (Ward 6) (Item 6.2)**

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 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.

**(Clark/Partridge)**

That the public meeting respecting, Report PED13019, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 726 Upper Gage Avenue (Hamilton), be closed.

**CARRIED**

Greg Macdonald, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

**(Collins/Pearson)**

That the staff presentation respecting Report PED13019, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 726 Upper Gage Avenue (Hamilton), be received.

**CARRIED**

Al Attar, applicant, spoke to the retaining wall and assured that it will be replaced.

**(Clark/Pearson)**

That the recommendations contained in Report PED13019, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 726 Upper Gage Avenue (Hamilton), be amended by adding a new sub-section (c), as follows:

- (c) That, at the site plan stage, staff be directed to add language to ensure the preservation of the Barton Corner Stone.

**Amendment CARRIED**

For disposition on this Item, refer to item 3.

**(f) DISCUSSION ITEMS (Item 8)**

**(i) Hamilton Municipal Heritage Committee – Report 12-006 (Item 8.1)**

**(Farr/Collins)**

That Hamilton Municipal Heritage Committee Report 12-006, Item 1, be amended by deleting the recommendation and replacing it with the following recommendations:

- (a) That as per Section 8.(10) of the Building Code Act, the permit holder, request in writing that the demolition permit for 18-22 King Street East, Hamilton, ON (Thomas building) be revoked;
- (b) That once the permit has been revoked for 18-22 King Street East, that those addresses be placed on the Municipal Register of Property of Cultural Heritage Value or Interest;
- (c) That City Council agrees not to designate 18-22, 24 and 28 King Street East, at this time.

**Amendment CARRIED**

**(Ferguson/Clark)**

That Hamilton Municipal Heritage Committee Report 12-006, Item 2, be referred to staff for a report on the Hamilton Municipal Heritage Committee recommendations.

The motion CARRIED on the following vote:

Yeas: C. Collins, B. Clark, L. Ferguson, J. Partridge, M Pearson  
Total: 5  
Nays: J. Farr  
Total: 1  
Absent: R. Pasuta, B. Johnson, T. Whitehead  
Total: 3

For disposition on this Item, refer to item 4.

**(ii) Hamilton Municipal Heritage Committee Report 12-005 (Item 8.3)**

**(Farr/Collins)**

That staff be directed to report back on 1(ii), 1(iii) and 1(iv) of Hamilton Municipal Heritage Committee Report 12-005.

**CARRIED**

For disposition on this Item, refer to item 6.

- (iii) **Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) - Recommended for Denial by the Planning and Economic Development Department but Approved by the Committee of Adjustment (PED13012) (Ward 12) (Item 8.4)**

Kate Mihaljevic, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

**(Ferguson/Pearson)**

That the staff presentation respecting Report PED13012, Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) - Recommended for Denial by the Planning and Economic Development Department but Approved by the Committee of Adjustment, be received.

**CARRIED**

John Ariens, consultant, on behalf of Landmart Homes, provided an overview of the applicants concerns with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. Mr. Ariens also expressed that the small block of land in contention will be given to the city or to the property owner.

**(Ferguson/Pearson)**

That the consultant's presentation respecting Report PED13012, Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) - Recommended for Denial by the Planning and Economic Development Department but Approved by the Committee of Adjustment, be received.

**CARRIED**

**(Ferguson/Partridge)**

That the recommendations contained in Report PED13012, Committee of Adjustment Consent/Land Severance Applications AN/B-12:76-77-78 for the Property Known as Block 102 of Plan 62M-1116 on Fair Street (Ancaster) - Recommended for Denial by the Planning and Economic Development Department but Approved by the Committee of Adjustment, be deleted and replaced with the following recommendations:

Whereas Landmart Reality Corporation has agreed to settle their OMB appeal of their severance applications for Block 102 of Plan 62M-1116 on Fair St. Ancaster on the basis of the following recommendation:

That Council for the City of Hamilton agrees to the settlement of the OMB Appeal by Landmart Reality Corporation of the severance applications for Block 102 of Plan 62M-1116 on Fair St. Ancaster on the following basis:

- (a) That Landmart Reality Corporation has agreed to and will convey the lands identified as "5" on Appendix "G" to Report PED13012 to the City at no cost to the City;
- (b) That Landmart Reality Corporation has agreed that the lands identified as Block 14 on Plan 62M-1116 will be conveyed to the City at no cost to the City;
- (c) The foregoing two requirements of the settlement will be included as conditions of the approval of the severance by the OMB.

**Amendment CARRIED**

For disposition on this Item, refer to item 7.

**(iv) Waiving of Fees for a Single Detached Dwelling by the Habitat for Humanity Hamilton Organization, 2 Comet Avenue (Hamilton) (PED13009) (Ward 5) (Item 8.5)**

Bob McConkey, CEO, Habitat for Humanity Hamilton, provided an overview of their family selection process with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

**(Ferguson/Collins)**

That the presentation from Habitat for Humanity Hamilton, be received.

**CARRIED**

For disposition on this Item, refer to item 8.

**(v) Business Licensing Fee Review (PD01104(g)) (Item 8.6)**

Tim McCabe, General Manager, Planning and Economic Development, and Marty Hazell, Senior Director, Parking and By-law Services, provided a brief overview of the concerns related to Report PD01104(g), Business Licensing Fee Review.

**(Clark/Pearson)**

That staff review legislative authority of municipalities to assign penalties (fines) regarding business licensing compliance and show cause hearings.

**CARRIED**

**(Clark/Collins)**

- (a) That 1-year of the 5-year phase in proposed for Business Licensing Fee increases, be approved;
- (b) That staff report back to the Planning Committee, in detail, on the justification for the License Fee increases.

The motion CARRIED on the following vote:

Yeas: J. Farr, C. Collins, M. Pearson, R. Pasuta, B. Clark  
Total:  
Nays: Partridge, Ferguson  
Total:  
Absent: B. Johnson, T. Whitehead  
Total: 2  
Abstained: L. Ferguson (taxi), J. Partridge (plumbing)  
Total: 2

For disposition on this Item, refer to item 9.

**(g) MOTIONS (Item 9)**

**(i) Pier 8 Master Plan (Item 9.1)**

**(Collins/Farr)**

- (a) That upon receipt of the Setting Sail OMB order for Pier 8 and the completion of servicing studies, Master Plan Options be developed for the pier;
- (b) That the scope of work include new street/access configurations, land tenure/subdivision of lands, urban design guidelines/features; all to best accommodate the approved land use scheme;
- (c) That part of the Master Planning exercise include a public Design Charrette to solicit public input.

**CARRIED**

For disposition on this Item, refer to item 10.

**(ii) Parking on One-Way Streets**

**(Clark/Collins)**



That staff report back on amending the Parking Bylaw to prohibit vehicles parking the wrong way only on one-way streets and roadways with painted centre lines

**CARRIED**

**(h) NOTICES OF MOTION (Item 10)**

Councillor Collins introduced the following Notice of Motion:

**(i) Parking on One-Way Streets (Item 10.1)**

That staff report back on amending the Parking Bylaw to prohibit vehicles parking the wrong way only on one-way streets and roadways with painted centre lines

**(Clark/Ferguson)**

That the rules be waived in order to allow the Notice of Motion respecting Parking on One-Way Streets to be heard as a Motion.

**CARRIED**

Councillor Ferguson introduced the following Notice of Motion:

**(ii) 1920 Fiddler's Green Road (Item 10.2)**

- (a) That \$7,600 plus HST be granted to the owners of 1920 Fiddlers Green Road to replace a driveway culvert and raise the driveway to address site flooding issues that are believed to be a result of site alterations that took place on the adjacent property in September 2006;
- (b) That the owners of 1920 Fiddler's Green Road be responsible for obtaining any permits and approvals necessary to perform the work;
- (c) That staff be directed to investigate funding this grant out of the Capital Levy Reserve, Account #108020;
- (d) As a condition of receiving the funds provided by this grant, that the owners of 1920 Fiddlers Green Road be required to execute a full and final release in favour of the City, in a form satisfactory to the Acting City Solicitor.

Councillor Clark introduced the following Notice of Motion:

**(iii) Reoccurring Flooding in New Subdivisions**

That staff be directed to work with Councillors in Wards 8, 9 and 11 to select subject properties with new subdivisions that have reoccurring flooding both overland and by pipe (sewer and storm water) for subsequent peer review on storm water management, drainage, sewers and possible aquifer impacts.

**(i) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)**

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

**(Pearson/Clark)**

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

- (a) Item Q: Hamilton Municipal Heritage Committee – Report 12-004
- (b) Item S: Hamilton Municipal Heritage Committee Report 12-005
- (c) Item J: Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road
- (d) Item M: 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster)

**CARRIED**

**(Ferguson/Clark)**

That the following items due dates be revised in the Outstanding Business List:

- (a) Item P: Enforcing Blocked Swales  
Current Due Date: May 14, 2013  
Proposed Due Date: March 19, 2013

**CARRIED**

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

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

**(j) ADJOURNMENT**

**(Ferguson/Pearson)**

There being no further business, the Planning Committee adjourned at 2:30 p.m.

Respectfully submitted,

Councillor J. Farr  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk