



## **PLANNING COMMITTEE**

### **REPORT 15-003**

**9:30 am**

**Tuesday, February 17, 2015**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors J. Partridge (Chair), B. Johnson (1<sup>st</sup> Vice Chair)  
M. Pearson (2<sup>nd</sup> Vice-Chair) C. Collins D. Conley, J. Farr,  
M. Green, A. Johnson and R. Pasuta

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### **THE PLANNING COMMITTEE PRESENTS REPORT 15-003 AND RESPECTFULLY RECOMMENDS:**

**1. Centennial Neighbourhoods Secondary Plan: Background Report (PED15015) (Wards 5 and 9) (Item 5.2)**

That the Centennial Neighbourhoods Secondary Plan: Background Report, attached as Appendix "B" to Report PED15015, be received.

**2. Agriculture and Rural Affairs Advisory Committee Report 15-001 (Item 5.3)**

**(a) Rural Zoning**

That the following comments be referred to staff:

- (i) That the Medical Marihuana uses be allowed in existing buildings in the rural areas;
- (ii) That any new Medical Marihuana buildings be limited to 2,000 square metres and 11.5 metres in height;

- (iii) That the Agriculture and Rural Affairs Committee supports the proposed new zones for the rural areas and representatives will attend the March 31, 2015 meeting as a delegation.

**(b) Employment Survey in Rural Areas**

That the Ontario Federation of Agriculture be approached to see if it is willing to make personal contact with agricultural farmers to work with the City of Hamilton to complete the annual employment survey.

**3. Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1749 and 1755 Upper James Street, Hamilton (PED15016) (Ward 7) (Item 6.2)**

That approval be given to amended **Zoning Application ZAR-13-038, Bill Nethercott, Owner**, for a change in zoning from the “B” (Suburban Agricultural and Residential) District to the “HH/S-1490a” (Restricted Community Shopping and Commercial, etc.) District, Modified, to permit the expansion of an existing automobile dealership located at 1739 Upper James Street, on to the properties located at 1749 and 1755 Upper James Street, Hamilton, as shown on Appendix “A” to Report PED15016, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED15016, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “HH/S-1490a”.
- (c) That upon finalization of the amending By-law, the rear portion of the subject lands be re-designated from “Single & Double” to “Highway Commercial” in the Allison Neighbourhood Plan.
- (d) That the proposed change in Zoning are in conformity with the Urban Hamilton Official Plan.

**4. Building By-law and Increase to Permit Fees (PED15020) (City Wide) (Item 7.1)**

- (a) That the By-law, attached as Appendix “A” to Report PED15020, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED15020, be included in the User Fees and Charges By-law, replacing

the fees listed under the heading “Classes of Permits and Fees New Construction and Additions Building Classifications per the Building Code”.

**5. Appeal to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 893, 897, and 903 West 5<sup>th</sup> Street (PED15017) (Ward 8) (Item 9.1)**

That Report PED15017 respecting Appeal to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 893, 897, and 903 West 5<sup>th</sup> Street be received.

**6. Waiving of Fees by the Habitat for Humanity Hamilton for Three Townhouse Dwelling Units for Lands Located at 106 Burton Street (Hamilton) and Four Single Detached Dwellings for Lands Located at 7 Knapmans Drive, and 5, 14 and 16 Wickham Avenue (Hamilton) (PED15027) (Wards 3 and 5) (Item 9.2)**

That Council approve the request from Habitat for Humanity Hamilton to waive fees for the development of three townhouse dwelling units on the lands located at 106 Burton Street, and four single detached dwellings, on the lands located at 7 Knapmans Drive, and 5, 14, and 16 Wickham Avenue (Hamilton), as shown on Appendices “A” and “B”, respectively, to Report PED15027, on the following basis:

- (a) That the Municipal Development Charge (DC) Liability of \$60,414 and the GO Transit DC Liability of \$492, resulting from the development of 106 Burton Street (Hamilton), be exempted;
- (b) That Habitat for Humanity is deemed to be a “charitable, non-profit use” under Subsection 11(6) of Parkland Dedication By-law 09-124. As such, the development will be exempt from the paid Cash-in-Lieu of Parkland Dedication payment of \$10,965;
- (c) That the Municipal Development Charge (DC) Liability of \$28,095 and the GO Transit DC Liability of \$229, resulting from the development of 7 Knapmans Drive (Hamilton), by Habitat for Humanity Hamilton Organization, be exempted;
- (d) That the Municipal Development Charge (DC) Liability of \$28,095 and the GO Transit DC Liability of \$230, resulting from the development of 5 Wickham Avenue (Hamilton), by Habitat for Humanity Hamilton Organization, be exempted;

- (e) That the Municipal Development Charge (DC) Liability of \$28,095 and the GO Transit DC Liability of \$230, resulting from the development of 14 Wickham Avenue (Hamilton), by Habitat for Humanity Hamilton Organization, be exempted;
- (f) That the Municipal Development Charge (DC) Liability of \$28,095 and the GO Transit DC Liability of \$230.00, resulting from the development of 16 Wickham Avenue (Hamilton), by Habitat for Humanity Hamilton Organization, be exempted.

**7. Urban Hamilton Official Plan: Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. of the Urban Hamilton Official Plan and Legal Direction (City Wide) – LS15006/PED15031. (Item 13.2)**

That the staff recommendations in Report LS15006/PED15031 remain confidential until Council approval.

**FOR THE INFORMATION OF COUNCIL:**

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

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

- (i) Added delegation request 4.1 from Tony Millington, of Millington & Associates, Development Consultants wishing to address Committee after the delegation in Item 6.1 respecting the update on the OMB appeal for 560 Grays Road.
- (ii) Added delegation request 4.2 from Bob McConkey from Habitat for Humanity Hamilton wishing to address Committee today regarding Item 9.2 respecting Waiving of Fees by the Habitat for Humanity Hamilton for Three Townhouse Dwelling Units.
- (iii) The following written comments respecting Item 6.1, the delegation from Lakewood Beach Community regarding the update on the OMB appeal for 560 Grays Road, have been added:

- 6.1(i) Stacey & Stace Smith
- 6.1(ii) Jessica and Derek Bertrand
- 6.1(iii) Kathleen Boss
- 6.1(iv) Leslie Born

- 6.1(v) Anna
- 6.1(vi) Sherry Macfarlane
- 6.1(vii) Dawn Eveyley
- 6.1(viii) Terry Jarrell
- 6.1(ix) Bob, Viv, Mason and Samantha Saunders
- 6.1(x) Cheryl Hunt
- 6.1(xi) Beverley and Robert Corsini
- 6.1(xii) Neil and Loretta Crane
- 6.1(xiii) Leona and John Gerard Graham
- 6.1(xiv) Lisa and Thang Trinh
- 6.1(xv) Jimmy and Kshama Dave
- 6.1(xvi) Matt Fettes
- 6.1(xvii) Susann Easson
- 6.1(xviii) Sue and Sirio Venturelli
- 6.1(xix) Anna and Karl Roberts
- 6.1(xx) Tony and Sharon Rukavina
- 6.1(xxi) Dave and Nancy Bleakley
- 6.1(xxii) Pam Ross
- 6.1(xxiii) Yolanda and Carl Hendershot

- (iv) Added 11.1 Notice of Motion respecting Farmers' Market On-street Parking
- (v) Item 13.1 – Private and Confidential Report LS15005/PED15030 respecting 560 Grays Road OMB Appeals re: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes is not available. Staff will provide a verbal update in Closed Session and the Report will be distributed to Members of Council prior to the February 25, 2015 Council meeting. (See Information Item (I)(i)).

The Agenda for the February 17, 2015 meeting of the Planning Committee was approved, as amended.

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

None.

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

**(i) February 3, 2015**

The Minutes of the February 3, 2015 meeting were approved.

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

The following delegation requests were approved to address Committee today:

- (i) Tony Millington, of Millington & Associates, Development Consultants wishing to address Committee after the delegation in Item 6.1 respecting the update on the OMB appeal for 560 Grays Road. (Added Item 4.1)
- (ii) Bob McConkey from Habitat for Humanity Hamilton wishing to address Committee today regarding Item 9.2 respecting Waiving of Fees by the Habitat for Humanity Hamilton for Three Townhouse Dwelling Units. (Added Item 4.2)

**(e) CONSENT ITEMS (Item 5)**

- (i) The following Advisory Committee Minutes were received:
  - (1) Hamilton Historical Board Minutes, December 16, 2014
  - (2) Hamilton Municipal Heritage Committee Minutes, December 18, 2014

**(f) DELEGATIONS/PUBLIC HEARINGS (Item 6)**

- (i) Delegation from Lakewood Beach Community wishing to address Committee when the update respecting the OMB appeal regarding 560 Grays Road is on the agenda. (No copy) (Delegation request approved January 13, 2015) (Item 6.1)**

Viv Saunders addressed Committee with the aid of a PowerPoint presentation outlining the concerns of the Lakewood Beach Community with the proposed development. Copies of two hand-outs were distributed. The copies have been retained for the public record and have been uploaded onto the City's website.

The delegation from the Lakewood Beach Community was received.

The added written comments from the following residents who expressed their opposition to the development of the lands at 560 Grays Road were received.

- 6.1(i) Stacey & Stace Smith
- 6.1(ii) Jessica and Derek Bertrand

- 6.1(iii) Kathleen Boss
- 6.1(iv) Leslie Born
- 6.1(v) Anna
- 6.1(vi) Sherry Macfarlane
- 6.1(vii) Dawn Eveley
- 6.1(viii) Terry Jarrell
- 6.1(ix) Bob, Viv, Mason and Samantha Saunders
- 6.1(x) Cheryl Hunt
- 6.1(xi) Beverley and Robert Corsini
- 6.1(xii) Neil and Loretta Crane
- 6.1(xiii) Leona and John Gerard Graham
- 6.1(xiv) Lisa and Thang Trinh
- 6.1(xv) Jimmy and Kshama Dave
- 6.1(xvi) Matt Fettes
- 6.1(xvii) Susann Easson
- 6.1(xviii) Sue and Sirio Venturelli
- 6.1(xix) Anna and Karl Roberts
- 6.1(xx) Tony and Sharon Rukavina
- 6.1(xxi) Dave and Nancy Bleakley
- 6.1(xxii) Pam Ross
- 6.1(xxiii) Yolanda and Carl Hendershot

**(ii) Delegation from Tony Millington, of Millington & Associations, Development Consultants wishing to address Committee after the delegation in Item 6.1 respecting the update on the OMB appeal for 560 Grays Road (Added Item 4.1)**

Tony Millington, representing the developer addressed Committee and thanked Councillor Pearson for recently holding a Public Meeting in her Ward regarding this issue. He indicated that the meeting was well attended and in his opinion it went well as questions from the audience were answered and their concerns were noted by the proponent's representatives.

The delegation from Tony Millington, of Millington & Associations, Development Consultants was received.

**(iii) Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1749 and 1755 Upper James Street, Hamilton (PED15016) (Ward 7) (Item 6.2)**

In accordance with the provisions of the Planning Act, Chair Partridge 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.

The staff presentation respecting Report PED15016 was waived.

Ed Fothergill, of Fothergill Planning & Development, the applicant's representative, addressed Committee and indicated that he is in support of the staff report. The application is for the expansion of his client's automobile dealership and he requested that Committee approve the staff recommendations but not approve the by-law in order for his client to sort out the road widening issues within the next few weeks. The end result may be that he may wish to reduce the size of the requisite landscaping strips.

The presentation by Ed Fothergill of Fothergill Planning & development respecting Report PED15016 was received.

The public meeting regarding Report PED15016 respecting Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1749 and 1755 Upper James Street, Hamilton, was closed.

After some discussion, Committee approved the staff report.

For disposition on this Item, refer to Item 3.

**(g) PUBLIC NOTICES (Item 7)**

**(i) Building By-law and Increase to Permit Fees (PED15020) (City Wide) (Item 7.1)**

The Clerk advised that no one had registered to speak to this item and no one came forward to address Committee.

For disposition of this matter see Item 4.



Staff were directed to review the legal fees that are charged in addition to the tent structure fees to all the area Agricultural Societies when they erect tents at the various fairs, and report back to the Planning Committee by July 7, 2015.

**(h) DISCUSSION ITEMS (Item 9)**

- (i) Waiving of Fees by the Habitat for Humanity Hamilton for Three Townhouse Dwelling Units for Lands Located at 106 Burton Street (Hamilton) and Four Single Detached Dwellings for Lands Located at 7 Knapmans Drive, and 5, 14 and 16 Wickham Avenue (Hamilton) (PED15027) (Wards 3 and 5) (Item 9.2)**

- (1) Delegation from Bob McConkey from Habitat for Humanity Hamilton wishing to address Committee today regarding Item 9.2 respecting Waiving of Fees by the Habitat for Humanity Hamilton for Three Townhouse Dwelling Units (Added Item 4.2)**

Bob McConkey addressed Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed. A copy has been retained for the public record and has been uploaded onto the City's website. He spoke in support of the staff report and thanked Committee for waiving the fees.

The delegation by Bob McConkey from Habitat for Humanity Hamilton respecting Report PED15027 was received.

For disposition of this matter see Item 6.

**(i) MOTIONS (Item 10)**

- (i) Proposed Exemption under the definition of Food Premises for Farmers who sell produce primarily from Ontario Growers (Item 10.1)**

**WHEREAS** the City of Hamilton regulates and licenses food premises under Schedule 21 of the Business Licensing Bylaw 07-170;

**AND WHEREAS** food premises as defined, when operated by farmers selling primarily produce from their agricultural operation are exempt from this regulation;

**AND WHEREAS** the practice of farmers sharing produce from other farmers to sell at local farmers' markets may negate the bylaw exemption;

**AND WHEREAS** it is important to support local farmers and produce grown in Ontario.

**THEREFORE BE IT RESOLVED:**

That staff be directed to report on the feasibility of an amendment to the definition of “food premise” within the Business Licensing Bylaw 07-170, Schedule 21, to include an exemption for farmers to sell produce primarily from Ontario Growers, along with produce from their own agricultural operation.

Committee requested that staff report back by June, 2015.

**(j) NOTICES OF MOTION (Item 11)**

Councillor Farr introduced the following Notice of Motion:

**(i) Farmers’ Market On-street Parking (Added 11.1)**

Whereas, on-street parking adjacent to the Downtown Hamilton Farmers’ Market, Library and FOC (formally Copps) had been a feature of convenience for generations; and

Whereas, the design and implementation of York Street between James and Bay was established two years before Council contemplated and ultimately approved the Cannon Two-Way Cycle Track one block to the north of York, and

Whereas, the concept of Greenways has been discussed and promoted throughout the cycling community, however, a greenway has yet to be established in Hamilton, and

Whereas, Park Street is a two-way street connection between York and Cannon that offers tremendous potential as it relates to the creation of a greenway to the Library/Market/FOC precinct and from the Cannon Two-way Cycle Track, and

Whereas, the Stallholders at the Hamilton Farmers’ Market have, as a priority, the desire to see the on-street parking return, adjacent to the Market, and

Whereas, on-street parking would greatly assist those growing number of customers wishing to make quick stops to the Central Library and First Ontario Centre office, and

Whereas, consultation with several engaged members of the cycling committee have considered the merit of returning on-street parking to the precinct in addition to a Park Street greenway connecting to and from the Cannon Cycle Track,

Therefore be it resolved:

- (a) That Parking Division staff be requested to coordinate with applicable staff from Public Works to examine the feasibility of returning on-street parking adjacent to the Farmers' Market/Library/FOC precinct;
- (b) That staff report back to the Planning Committee on a proposed plan at the May 19, 2015 meeting.

**(k) GENERAL INFORMATION AND OTHER BUSINESS (Item 12)**

**(i) Outstanding Business List Amendments (Item 12.1)**

The following new due dates were approved:

Item "P" - Pool Enclosure By-law (PED13126(a)) referred back to staff.

Due date: February 17, 2015

Proposed New Due Date: April 14, 2015

Item "X" – Former King George School- Heritage Designation

Due date: February 17, 2015

Proposed New Due Date: April 14, 2015

That the following Item were removed from the Outstanding Business List:

Item "O" – Hamilton Licensing By-law 07-170

**(l) PRIVATE AND CONFIDENTIAL (Item 13)**

Committee moved into Closed Session at 10:50 a.m. to consider matters pursuant to Sub-sections 8.1 (e) and (f) of the City's Procedural By-law and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and the receiving of advice that is subject to solicitor client privilege including communications necessary for that purpose.

The Committee reconvened in Open Session at 11:05 a.m.

**(i) 560 Grays Road OMB Appeals re: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes (LS15005/PED15030) (Item 13.1)**

A verbal update was provided by staff with nothing to report in Open Session.

On a motion, consideration of Report LS15005/PED15030 respecting 560 Grays Road OMB Appeals re: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes was referred to the February 25, 2015 Council meeting because it is a time sensitive matter.

**(ii) Urban Hamilton Official Plan: Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. of the Urban Hamilton Official Plan and Legal Direction (City Wide) – LS15006/PED15031. (Item 13.2)**

Direction was given to staff in Closed Session.

For disposition of this Item refer to Item 7.

**(m) ADJOURNMENT (Item 14)**

There being no further business, the Planning Committee adjourned at 11:05 a.m.

**CARRIED**

Respectfully submitted,

Councillor J. Partridge  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk