



PLANNING COMMITTEE

MINUTES 15-011

9:30 am

Tuesday, July 7, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

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

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 71, 75, and 77 Leland Street (Hamilton) (PED15089) (Ward 1) (Item 5.1)**

(Green/Pasuta)

That Report PED15089 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 71, 75, and 77 Leland Street be received.

CARRIED

- 2. Proposed Kalyn 250 kW Electricity Generator located at 97 5th Concession Road East, Former Township of East Flamborough (PED15107) (Ward 15) (Item 5.2)**

(Partridge/Pearson)

(a) That the Mayor and Council acknowledge the receipt of the letter entitled "Cecil Kalyn Municipal Council Support Resolution", dated June 9, 2015, from Cecil Kalyn (Appendix "A" to Report PED15107);

(b) That the Mayor and Council support the development, construction, and operation of the proposed 250 kilowatt (Kw) electrical generator using biomass as fuel located at 97 5th Concession Road East, former Township of East Flamborough by Cecil Kalyn for the sole purpose of receiving

Priority Points under the Independent Electricity System Operator's (IESO) Feed-in Tariff (FIT) Program, but not for the approval of the proposed project;

- (c) That the Mayor and City Clerk be authorized and directed to sign the IESO "Prescribed Template – Municipal Council Support Resolution" Form IESOMRD/f-FIT-010r2 attached as Appendix "B" to Report PED15107 on behalf of City Council and any other documents necessary to implement subsection (b);
- (d) Should Mr. Kalyn's bid be successful, the City of Hamilton request the Minister of the Environment that an environmental assessment of this project be conducted; and,
- (e) That the General Manager of Planning and Economic Development or designate be authorized to negotiate and execute any agreements if the General Manager of Planning and Economic Development deems beneficial or necessary to fully implement subsection (b), in a form satisfactory to the City Solicitor, setting out Cecil Kalyn's commitments to the City of Hamilton, including commitments provided in Report PED15107.

CARRIED

3. Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for Property located at 102 Ainslie Avenue, Hamilton (PED15083) (Ward 1) (Item 6.1)

(A. Johnson/Green)

- (a) That Urban Official Plan Amendment Application UHOPA-15-13, by Aiden Tuite, Owner, in order to legalize an existing illegal triplex located at 102 Ainslie Avenue, Hamilton, as shown on Appendix "A" to Report PED15083, be **DENIED** on the following basis:
 - (i) The application does not conform to the planning policies of the Ainslie Wood Westdale Secondary Plan and is not a suitable form of residential intensification. The development would introduce a more intensive form of housing within the interior of the Ainslie Wood East Neighbourhood; and,
 - (ii) The application would further contribute to neighbourhood instability within a sensitive community by encouraging other similar types of applications.
- (b) That Zoning Application ZAR-12-023, by Aiden Tuite, Owner, for a change in zoning from the "C/S-1335", "C/S-1335a", and "C/S-720" (Urban Protected Residential, etc.) District, Modified to an amended "C/S-1335a" (Urban Protected Residential) District, Modified in order to legalize an

existing illegal triplex, for lands located at 102 Ainslie Avenue (Hamilton), as shown on Appendix "A" to Report PED15083, be **DENIED** on the following basis:

- (i) The application does not conform to the planning objectives of the Ainslie Wood Westdale Secondary Plan. The proposal introduces a more intensive form of housing within the interior of the Ainslie Wood East Neighbourhood;
- (ii) The application would further contribute to neighbourhood instability by encouraging other similar types of applications; and,
- (iii) The application does not meet the intent of Hamilton Zoning By-law No. 6593.

CARRIED

4. Modifications to City of Hamilton Zoning By-law No. 6593 Regarding Parking Exemptions for Certain Commercial Uses Along the James Street North and South Corridors and the "H" District Zone in the Former City of Hamilton (PED15085) (Wards 1 to 8) (Item 6.2)

(Farr/Pearson)

- (a) That approval be given to City Initiative CI-15-C for modifications to City of Hamilton Zoning By-law No. 6593;
- (b) That the attached draft By-law, marked as Appendix "A" to Report PED15085, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (c) That the changes proposed to the By-law, in Appendix "A" to Report PED15085, are minor in nature and that any changes made after holding a public meeting on July 7, 2015, that Council determines that no further notice is required prior to the passing of the proposed By-law, pursuant to Section (34)17 of the *Planning Act*.

CARRIED

5. Nature Counts 2 Natural Areas Inventory (PED15084) (City Wide) (7.1)

(Pearson/A. Johnson)

That Report PED15084 respecting Nature Counts 2 Natural Areas Inventory be received.

CARRIED

6. Bill 73 – *Smart Growth for Our Communities Act, 2015* – Draft Amendments to the *Planning Act* (PED15093) (City Wide) (Added 7.2)

(B. Johnson/Pearson)

- (a) That Council endorse Report PED15093 and that staff be directed to forward Report PED15093 to the Ministry of Municipal Affairs and Housing as formal comments on Bill 73 – *Smart Growth for Our Communities Act, 2015*;
- (b) That the Province include the City of Hamilton as part of its working groups to be established to review land use planning elements and propose solutions;
- (c) That the Province be requested to expand the scope of its review to include a review of Ontario Municipal Board (OMB) operations, practices and procedures, as well as alternatives to the OMB.

CARRIED

7. Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(c) (Wards 9, 11, 12, 13, 14 and 15) (Item 8.1)

(Pasuta/Pearson)

- (a) That approval be given to Official Plan Amendment (OPA) No. [REDACTED] to the Rural Hamilton Official Plan (RHOP) (CI 15-B) to amend policies, schedules and maps, to implement up to date mapping and policies for the Rural Settlement Areas, to introduce source water protection policies, to add new site-specific provisions, to redesignate one parcel of land to Rural from Open Space, and to update the Agricultural and Rural policies for specific agriculturally related uses, on the following basis:
 - (i) That the draft Official Plan Amendment (OPA), attached as Appendix “A” to Report PED13167(c), be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment (OPA) is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to the Greenbelt Plan.
- (b) That approval be given to City Initiative 15-B for the Rural Area of the City, to add 11 new zones to Zoning By-law No. 05-200, to add special exceptions, holding provisions, temporary uses and special figures, to amend the General Open Space (P4) Zone, to add rural use specific parking provisions, to add and amend definitions associated with the new rural zones, and to amend the general provisions and other administrative sections of the By-law to implement the new rural zones, on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED13167(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Official Plan Amendment (OPA) No. [REDACTED].
- (c) That approval be given to a Site Plan Control By-law to consolidate Site Plan Control By-law Nos.03-294, 08-298 and 14-323, to add specific uses (i.e. kennel, mushroom operation, etc.) and to require Site Plan Control for lands adjacent to Core Areas, on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED13167(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (d) In the event that Greenbelt Plan Policies 3.1.2 and / or 5.2.1, which address existing uses and previous site-specific approvals, are amended to allow a broader range of uses other than existing uses and site-specific approvals, that staff be directed to review the Existing Rural Commercial (E1) and Existing Rural Industrial (E2) Zones to determine if additional uses that were previously permitted under the former Municipal Zoning By-laws can be included within the E1 and E2 Zones in accordance with the Greenbelt Plan and report back to the Planning Committee on the results of the review.
- (e) ***That Official Plan Amendment - Appendix “A” and Amending By-law – Appendix “B” of PED13167(c), as it pertains to lands located at 475, 515, Parts of Lot 2, Lot 3, Part of Lot 4, Part of Lot 5 Concession 11 Road East be amended as follows:***
- i) That Site Specific Official Plan Policy 1.0 a) be amended by adding the words “and hydrologic” following “natural heritage”; and,***
 - ii) That Special Exception 259 be amended as follows:***
 - a. Deleting the words “and notwithstanding Section 7.6.2.2 and Section 7.6.2.3” following “Section 7.6.1”; and,***
 - b. Deleting and replacing clause b) with the following clause:***
 - (b) The following use shall be permitted:***

Single Detached Dwelling and accessory uses, in accordance with Sections 7.6.2.3 and 4.8.2.”

- (f) That staff be directed to:**
- (i) amend Zoning By-law No. 05-200 by zoning the lands at 1055 Highway 6, identified on Maps 48 and 60, as Rural (A2) Zone-249 to permit the following three uses:**
 - 1. Commercial Motor Vehicle Sales, Rental and Service Establishment;**
 - 2. Manufacturing; and,**
 - 3. Warehouse.**
 - (ii) amend Zoning By-law No. 05-200 by zoning the lands at 524 Concession 6 Road West, identified on Map 60, as Rural (A2) Zone with a special exception to permit Manufacturing.**
 - (iii) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to permit the expansion of the golf course for the rear of the property located at 167 Highway 5 West, on the following basis:**
 - 1. the lands located at the rear of 167 Highway 5 West be redesignated from “Agricultural ” to “Open Space” on Schedule “D” – Rural Land Use Designations; and,**
 - 2. the lands located at the rear of 167 Highway 5 West be zoned Open Space (P4) Zone and identified on Map 85.**
 - (iv) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to zone the lands as Rural (A2) Zone to permit agriculturally related uses for the property located at 67 Concession 6 Road East , on the following basis:**
 - 1. the lands be redesignated from “Agricultural ” to “Rural” on Schedule “D” – Rural Land Use Designations; and,**
 - 2. the lands be zoned Rural (A2) Zone and identified on Maps 24 and 25.**
 - (v) amend Existing Rural Industrial (E2) Zone-127 in Zoning By-law No. 05-200 identified on Map 38, for properties located at 369, 381, 383,385 and part of 377 Concession 6 Road East, to permit aircraft maintenance and storage.**
 - (vi) amend the Existing Rural Commercial (E1) Zone-111 in Zoning By-law No. 05-200 identified on Map 84, for the property located at 357 Highway 5 West, to permit a warehouse.**

(vii) amend Zoning By-law No. 05-200 by zoning the lands at 374 Concession 5 Road West, identified on Map 60, as Settlement Institutional (S3) Zone.

(g) That staff be directed to:

(i) amend Rural (A2) Zone-217 in Zoning By-law No. 05-200 as identified on Maps 24 and 25, for the property located at part of 963 Regional Road 97, to permit a motor vehicle repair shop.

(ii) amend Existing Rural Industrial (E2) Zone-228 in Zoning By-law No. 05-200 and identified on Map 92, for the properties located at 466 Highway 52, 489 Highway 8 to permit Manufacturing .

(iii) amend the Existing Rural Commercial (E1) Zone-224, identified on Map 84 in Zoning By-law No. 05-200 for the property located at 557 Highway No. 5, to permit the following five uses:

- 1. Fruit and vegetable market;**
- 2. Garden Centre;**
- 3. Manufacturing;**
- 4. Motor Vehicle Sales and Service Establishment; and,**
- 5. Restaurant.**

(iv) amend Zoning By-law No. 05-200 by extending the Existing Rural Industrial (E2) Zone identified on Map 81, for part of the property located 1419-1421 Concession 4 Road West to include the existing buildings and to add a special exception to permit the following three uses:

- 1. Motor vehicle repair shop;**
- 2. Sawmill; and,**
- 3. Welding shop, including crane service;**
- 4. Manufacturing.**

(v) amend Zoning By-law No. 05-200 to zone the lands located at 18 Short Road, identified on Map 107, as Settlement Residential (S1) Zone with two special exceptions (one for each building) to permit the following uses within the two existing buildings:

- 1. the existing building located at the northern limit of the property:**
 - (aa) Tradesperson's shop; and,**
 - (bb) Storage.**

2. *the existing building fronting on Short Road:*
 - (aa) *Retail store;*
 - (bb) *Office;*
 - (cc) *Personal Services;*
 - (dd) *Craftsperson Shop; and,*
 - (ee) *One residential unit.*
- (vi) *amend Zoning By-law No. 05-200 by zoning the lands at 1190 Highway No. 8, identified on Map 65, as Agriculture (A1) Zone with a special exception to allow reduced setbacks for all uses permitted within the Agriculture (A1) Zone.*
- (vii) *amend Zoning By-law No. 05-200 by zoning the lands at 565 Brock Road, identified on Map 83, as Agriculture (A1) Zone with a special exception as follows:*
 1. *That the following uses be permitted:*
 - (aa) *aggregate, concrete and asphalt storage and recycling;*
 - (bb) *topsoil preparation; and,*
 - (cc) *accessory repair, maintenance and storage of Commercial Motor Vehicles associated with the uses above.*
 2. *That the following regulation apply:*
 - (aa) *An earth berm with a minimum height of 2.0 metres and a planting strip along the top of the berm consisting of evergreens with a minimum height of 1.5 metres be provided along the front property line from the north east corner property and extending 115 metres south. The earth berm be setback 6.0 metres from the front property line.*
- (viii) *amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to permit a school on a portion of the property located at 680 Highway 8, on the following basis:*
 1. *a portion of the 680 Highway 8 property be redesignated from "City Wide Park" to "Settlement Institutional" on Volume 2 – Map 13, Rockton Rural Settlement Area Plan; and,*
 2. *a portion of the 680 Highway 8 property be zoned Settlement Institutional (S3) Zone and identified on Maps 80 and 91.*

- (h) *That staff be directed to:*
- (i) *amend Agriculture (A1) Zone-105 in Zoning By-law No. 05-200 identified on Map 181, for the property located at 1050 Regional Road 56, to permit the sale of four (4) motor vehicles, accessory to the existing Motor Vehicle Service Station.*
 - (ii) *amend Agriculture (A1) Zone in Zoning By-law No. 05-200 identified on Map 169, for part of the property located at 913 Mud Street, with a special exception to permit a contractor's establishment.*
- (i) *That the following wording be added at the end of regulation 9.12.3.4 d) i) of the proposed Rural Zoning By-law (Appendix B, Page 31): "but shall not be required adjacent to lands zoned Extractive Industrial (M12) Zone."*

The full regulation to read as follows:

"A minimum 1.2 metre high fence shall be provided and maintained around the licensed boundary of a Mineral Aggregate Operation, but shall not be required adjacent to lands zoned Extractive Industrial (M12) Zone."

Amendment CARRIED
Main Motion as Amended CARRIED

8. Hess Village Paid Duty Policing Pilot (Item 9.1)

(Green/Farr)

- (a) That a **two** year Hess Village Paid Duty Proportional Fund Sharing Pilot be established **retroactive to** the 2015 paid duty patio season (commencing the Victoria Day weekend) to cover **50** percent of the cost of Paid Duty Policing through the Tax Stabilization Reserve #110046;
- (b) That all businesses in addition to bars and restaurants within Hess Village who chose to remain open during the nightly Paid Duty program shift be included in the By-law to pay into the program based on a percentage devised by the establishment interior / exterior capacity as consistent with the current formula within the By-law and for bars and restaurants;
- (c) That staff from Urban Renewal assist business owners with the establishment of a BIA for Hess Village and measure results of the pilot annually and report back to the Planning Committee on its effectiveness.

Amendment CARRIED
Main Motion as Amended CARRIED

9. Hess Village Voluntary Paid Duties (PSB 15-087) (Item 9.1(i))

(Collins/Farr)

That Report PSB 15-087 respecting Hess Village Voluntary Paid Duties be received.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

ADDED DELEGATION REQUESTS WISHING TO SPEAK TO ITEM 8.1:

- 4.7 Delegation request from Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Proposed Rural Zoning By-law as it relates to 585 Brock Road East, Flamborough and also to speak to 780 8th Concession Road West, Flamborough.
- 4.8 Delegation request from Michelle Oosterveld from Country Estates, 912 Beeforth Road, Waterdown, respecting Proposed Rural Zoning By-law
- 4.9 Georgina Beattie, 1375 Highway 8, Winona, respecting Proposed Rural Zoning By-law
- 4.10 Tony DiGiovanni, Landscape Ontario Horticultural Trades Association, to respond to recent correspondence against the grandfathering of landscape companies.

ADDED WRITTEN COMMENTS REGARDING ITEM 6.1:

- 6.1(ii) Written comments from Mark Coakley, 27 Yarmouth, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue.
- 6.1(iii) Written comments from Allan and Teresa Norgate, 304 Whitney Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(iv) Written comments from John Stockton, 32 Franklin Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue

- 6.1(v) Written comments from Leslie Breadner, tenant at 102 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(vi) Written comments from Francis Feller, 106 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(vii) Written comments from Brady O'Sullivan, 104 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(viii) Written comments from Andres Garrod-Martin, 100 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(ix) Written comments from J. Bailey, 102 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue

ADDED WRITTEN COMMENTS REGARDING ITEM 8.1:

- 8.1(iii) Written Comments from Steve Pocrnic, President, Pocrnic Realty Advisors Inc. on behalf of Swayze Developments Inc., respecting Proposed Rural Zoning By-law and 51 Swayze Road, Glanbrook
- 8.1(iv) Written Comments from Pharm Meds Limited regarding Medical Marihuana Facilities with respect to the Proposed Rural Zoning By-law
- 8.1(v) Written comments from Oliver Klaas, respecting the Christmas Tree Operation at Kirkwall Road in regards to the Proposed Rural Zoning By-law
- 8.1(vi) Written comments from Multi-area Developments respecting the Proposed Rural Zoning By-law

THE FOLLOWING ITEMS ARE WITHDRAWN AT THE REQUEST OF THE APPLICANT:

- 4.3 Uwe Roeper, Oshawa-Danilexa Joint Venture, to present proposed plans for a solar farm, potentially to be named the Scotch Block Solar Farm, to be located on designated future airport lands. (Item 5.4 on this agenda)
- 5.4 Proposed Oshawa-Danilexa JV 10,000 kW Solar Project located at 1541 Fiddlers Green Road, Ancaster (PED15102) (Ward 12)

ITEMS 5.2 AND 5.3:

The recommendations of Item 5.2 and 5.3 have been amended at the request of legal staff and copies have been distributed.

(Pasuta/B. Johnson)

That the Agenda for the July 7, 2015 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

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

(i) June 16, 2015 Meeting

(Green/Pearson)

That the Minutes of the June 16, 2015 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(B. Johnson/A. Johnson)

That the following delegation requests be approved to address Committee at today's meeting:

- (i) Daniel Choi, Mountsberg Solar LP, 2050 to present a potential solar project which is to be developed in City of Hamilton under the condition of winning Large Renewable Procurement, a competitive bidding process for renewable energy set out by the Ontario Government. (Item 5.3 on this agenda) (Item 4.1)
- (ii) Arend Kersten, Executive Director, Flamborough Chamber of Commerce, respecting the proposal to build a large solar farm in the Montsberg area by Samsung. (Item 5.3 on this agenda) (Item 4.2)
- (iii) Ed Fothergill, Fothergill Planning & Development Inc., to respond to proposed Rural Zoning By-law on behalf of a number of clients. (Item 8.1 on this agenda). (Item 4.4)
- (iv) John Bennett, Coalition for Rural Ontario Environmental Protection ("CROP"), to comment on Grandfathering provisions allowing Landscape Contracting Establishments to operate on A1-zone land: By-Law 05-200. (Item 8.1 on this agenda). (Item 4.5)

- (v) Dean Collett, Sizzle and Koi, Hess Village, respecting Hess Village Policing (Item 9.1 on this agenda). (Item 4.6)
- (vi) Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Proposed Rural Zoning By-law as it relates to 585 Brock Road East, Flamborough and also to speak to 780 8th Concession Road West, Flamborough. (Item 8.1 on this agenda) (Added Item 4.7)
- (vii) Michelle Oosterveld from Country Estates, 912 Beeforth Road, Waterdown, respecting Proposed Rural Zoning By-law (Item 8.1 on this agenda) (Added Item 4.8)
- (viii) Georgina Beattie, 1375 Highway 8, Winona, respecting Proposed Rural Zoning By-law. (Item 8.1 on this agenda) (Added Item 4.9)
- (ix) Tony DiGiovanni, Landscape Ontario Horticultural Trades Association, to respond to recent correspondence against the grandfathering of landscape companies. (Added Item 4.10)

CARRIED

(e) CONSENT ITEMS (Item 5)

- (i) Proposed Kalyn 250 kW Electricity Generator located at 97 5th Concession Road East, Former Township of East Flamborough (PED15107) (Ward 15) (Item 5.2)**

Guy Paparella, Director of Growth Planning, responded to questions from Committee and a discussion ensued.

Chair Partridge relinquished the Chair to Vice-Chair B. Johnson to move the recommendations.

Vice-Chair B. Johnson and Councillor Pasuta requested to be recorded as OPPOSED to this Item.

For disposition refer to Item 2.

- (ii) Proposed Samsung Renewable Energy Inc. 15 Megawatt (MW) Mountsberg Solar Project, located at 2037 Centre Road, Former Township of East Flamborough (PED15108) (Ward 15) (Item 5.3)**

- 1. Daniel Choi, Mountsberg Solar LP, 2050 to present a potential solar project which is to be developed in City of Hamilton under the condition of winning Large Renewable Procurement, a competitive bidding process for renewable energy set out by the Ontario Government. (Item 4.1)**

Tim Smitheman from Samsung Renewable Energy addressed Committee on behalf of Daniel Choi, with the aid of a PowerPoint presentation and copies of the hand-out were distributed. His comments included but were not limited to the following:

- Samsung Renewable Energy
- Large Renewable Procurement Program Overview
- Large Renewable Procurement Program Schedule
- Mountsberg Solar Project Information: Location
- Mountsberg Solar Project General Information
- Municipal & Community Benefits

Lily Usik, the property owner, addressed Committee. She described the location of her property and indicated that there are not many neighbours near her farm. She advised that she is a long time resident of the Mountsberg area. She has been a resident for over 50 years and her husband's family has been a resident for over a century. She is proud to support clean energy. Her property is not prime agricultural land. They have had to remove boulders and rocks. This will provide her with a retirement income. The solar project will provide jobs for the community and tax revenue to the City and provide a clean source of energy.

Tim Smitheman responded to questions from Committee.

(Green/B. Johnson)

That the delegation by Tim Smitheman of Samsung Renewable Energy and Lily Usik be received.

CARRIED

2. Arend Kersten, Executive Director, Flamborough Chamber of Commerce, respecting the proposal to build a large solar farm in the Montsberg area by Samsung (Item 4.2)

Arend Kersten addressed Committee and read from a prepared statement copies of which were distributed. A copy has been retained for the public record and has been uploaded onto the City's website.

He indicated that the Flamborough Chamber of Commerce is prepared to add its endorsement to this project, in principle, provided it does not use productive agricultural land and does not include windmills.

The first public meeting will be held by Samsung tonight. He suggested it may be prudent to table the matter until Council to have the benefit of the public input.

(Green/Pearson)

That the delegation by Arend Kersten of the Flamborough Chamber of Commerce be received.

CARRIED

Chair Partridge relinquished the Chair to Vice Chair B. Johnson to move the following motion:

(Partridge/Green)

That the decision respecting Proposed Samsung Renewable Energy Inc. Mountsberg Solar Project be TABLED until the July 10, 2015 Council meeting in order for Council to take into consideration the outcome of the public meeting scheduled by Samsung on July 7, 2015.

CARRIED

Chair Partridge assumed the Chair.

(f) DELEGATIONS/PUBLIC HEARINGS (Item 6)

(i) Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for Property located at 102 Ainslie Avenue, Hamilton (PED15083) (Ward 1) (Item 6.1)

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 makes a decision regarding the Urban Hamilton Official Plan Amendment and Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

(A. Johnson/Farr)

That the following written comments be received:

- 6.1(i) Written comments from Don Mandryk, 39 Hillview Street, Hamilton
- 6.1(ii) Written comments from Mark Coakley, 27 Yarmouth, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue.
- 6.1(iii) Written comments from Allan and Teresa Norgate, 304 Whitney Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue

- 6.1(iv) Written comments from John Stockton, 32 Franklin Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(v) Written comments from Leslie Breadner, tenant at 102 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(vi) Written comments from Francis Feller, 106 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(vii) Written comments from Brady O'Sullivan, 104 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(viii) Written comments from Andres Garrod-Martin, 100 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue
- 6.1(ix) Written comments from J. Bailey, 102 Ainslie Avenue, Hamilton, respecting UHOP Amendment and Zoning Amendment applications for 102 Ainslie Avenue

CARRIED

Cam Thomas provided an overview of the Report with the aid of a PowerPoint presentation. A copy has been uploaded onto the City's website.

(Pasuta/Green)

That the staff presentation be received.

CARRIED

Mike Crough of IBI Group representing the applicant, Aidan Tuite, addressed Committee with the aid of a PowerPoint presentation. A copy has been retained for the public record.

His comments included but are not limited to the following:

- Urban Hamilton Official Plan Application
- Zoning By-law Amendment Application
- Front Façade
- Interior photos
- The Exterior is compatible with the area
- The building is set back from the property lines
- Complies with the density requirements

Speakers

1. Lavinia Welsh, 42 Kipling Road, Hamilton

Lavinia Welsh addressed Committee and indicated that she does not support this proposal.

(A. Johnson/Green)

That the delegation from Lavinia Welsh be received.

CARRIED

2. Tordis Coakley, 23 Lower Horning Road

Tordis Coakley spoke against the proposal and asked that the Committee deny the application.

(A. Johnson/Pearson)

That the delegation from Tordis Coakley be received.

CARRIED

(B. Johnson/Pearson)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 3.

(ii) Modifications to City of Hamilton Zoning By-law No. 6593 Regarding Parking Exemptions for Certain Commercial Uses Along the James Street North and South Corridors and the “H” District Zone in the Former City of Hamilton (PED15085) (Wards 1 to 8) (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 makes a decision regarding modifications to City of Hamilton Zoning By-law 6593 the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

(Farr/Pearson)

That the staff presentation be waived.

CARRIED

(B. Johnson/Pasuta)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 4.

(g) PRESENTATIONS (Item 7)

(i) Nature Counts 2 Natural Areas Inventory (PED15084)(City Wide) (Item 7.1)

Cathy Plosz, Natural Heritage Planner, provided an overview of the report with the aid of a PowerPoint presentation. Copies of the hand out were distributed. A copy has been uploaded onto the City's website.

She provided an overview of the report and her comments included but were not limited to the following:

- Hamilton's Unique Natural Heritage
- What is Nature Counts?
 - Cathy Plosz recognized the following who were seated in the gallery:
 - Gord McNulty, Director-at-Large, Hamilton Naturalists' Club
 - Paul Smith, Conservation and Education Director, Hamilton Naturalists' Club
 - Bruce MacKenzie, Publicity Director, Hamilton Naturalists' Club
 - Scott Peck, Hamilton Conservation Authority
 - Mike Stone, Hamilton Conservation Authority
- Nature Counts 2 Results
- Species New to Hamilton
- Trends – The Good News
- Trends – The Bad News
- Education and Awareness
- How Data is Used
- What is next?
- Thanks to the various organizations that assisted in the research and the landowners who allowed access to their properties.

Cathy Plosz responded to questions from Committee.

(Pearson/A. Johnson)

That the staff presentation be received.

CARRIED

For disposition of this matter refer to Item 5.

(ii) **Bill 73 – *Smart Growth for Our Communities Act, 2015* – Draft Amendments to the *Planning Act* (PED15093) (City Wide) (7.2)**

Anita Fabac, Manager of Development Planning, Heritage and Design, provided an overview of the report with the aid of a PowerPoint presentation. Copies of the hand out were distributed. A copy has been uploaded onto the City's website.

Her comments included but were not limited to the following:

- Ministry of Municipal Affairs and Housing (MMAH) Consultation
- Bill 73
- Review of Bill 73
- Bill 73 Highlights
- Additional Recommendations
- Next Steps

Anita Fabac responded to questions.

(Pearson/B. Johnson)

That the staff presentation be received.

CARRIED

For disposition of this matter refer to Item 6.

(h) **DISCUSSION (Item 8)**

(i) **Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(c) (Wards 9, 11, 12, 13, 14 and 15) (Item 8.1)**

Diana Yakhni, Planner, addressed Committee with the aid of a PowerPoint presentation. Copies of the hand-out were distributed. A copy has been uploaded onto the City's website.

She provided an overview of the report and her comments included but were not limited to the following:

- Applications and areas excluded from Rural Zoning By-law
- Why have we prepared a new rural zoning by-law?
- Purpose of the Official Plan Amendment
- Proposed Zones
- Schedule "D" of Rural Hamilton Official Plan
- Update to the Site Plan Control By-law
- Changes since March 31, 2015 Report
- Approved motions
- Landscape Contracting Establishments Motion

- Abattoirs and livestock assembly points motion
- E1 and E2 Zones range of uses motion

Diana Yakhni responded to questions from Committee.

(B. Johnson/Pasuta)

That the staff presentation be received.

CARRIED

(B. Johnson/Pasuta)

That the following written comments be received:

- 8.1(i) Written Comments from Barbara and John Rowe, Trinity Farms Limited, 1734 Trinity Road, #2, Ancaster
- 8.1(ii) Written Comments from Urban Solutions respecting their client the owner of 1046 Highway No. 6, Flamborough
- 8.1(iii) Written Comments from Steve Pocrnic, President, Pocrnic Realty Advisors Inc. on behalf of Swayze Developments Inc., respecting Proposed Rural Zoning By-law and 51 Swayze Road, Glanbrook
- 8.1(iv) Written Comments from Pharm Meds Limited regarding Medical Marihuana Facilities with respect to the Proposed Rural Zoning By-law
- 8.1(v) Written comments from Oliver Klaas, respecting the Christmas Tree Operation at Kirkwall Road in regards to the Proposed Rural Zoning By-law
- 8.1(vi) Written comments from Multi-area Developments respecting the Proposed Rural Zoning By-law

CARRIED

1. **Ed Fothergill, Fothergill Planning & Development Inc., to respond to proposed Rural Zoning By-law on behalf of a number of clients. (Item 4.4)**

Thanked staff and the Councillors. The following clients weren't resolved:

- Marty McCann, 899 Brock Road – to allow the 2800 sq m kennel – 20 metre set back
- Ken Henderson, Freulton Truck Parts, 963 Regional Road 97, additional use of vehicle repairs in addition to motor vehicle sales (excluding sale of new motor vehicles) and salvage yard (has City of Hamilton Garage Licence.)

- Larry Bojeski, 1060 Highway 56, request to include sale of new and or used vehicles in addition to uses proposed in site specific provision

(Pasuta/B. Johnson)

That the delegation from Ed Fothergill of Fothergill Planning & Development Inc. be received.

CARRIED

2. **John Bennett, Coalition for Rural Ontario Environmental Protection (“CROP”), to comment on Grandfathering provisions allowing Landscape Contracting Establishments to operate on A1-zone land: By-Law 05-200 (Item 4.5)**

John Bennett read from a prepared statement. A copy was submitted for the public record.

Copies of a letter from Michael Connell of Garrod Pickfield, Environmental Municipal and Planning Law, a firm retained by CROP were distributed.

He spoke against the special exception to grandfather existing illegal landscaping operations in rural sections of Flamborough and Ancaster.

(B. Johnson/Pearson)

That the delegation from John Bennett representing CROP and the letter which he submitted from Michael Connell, Garrod Pickfield Environmental, Municipal and Planning Law, be received.

CARRIED

(B. Johnson/Pearson)

That Georgina Beattie’s delegation be heard next as she needs to leave the meeting.

CARRIED

3. **Georgina Beattie, 1375 Highway 8, Winona, respecting Proposed Rural Zoning By-law (Item 4.9)**

Georgina Beattie read from a prepared statement and a copy was submitted for the official record. She expressed concerns with Committee’s decision at the last meeting of removing lands from the Greenbelt; effectively over passing the process which is scheduled to begin later this year. She also enquired where her questions posed at the March 31, 2015 meeting were addressed in the staff report. Why isn’t her land noted on the maps?

Councillor B. Johnson indicated that the report confirms that the property will remain status quo and will remain within the Stoney Creek Zoning By-law, as is.

(B. Johnson/Collins)

That the delegation from Georgina Beattie be received.

CARRIED

4. Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Proposed Rural Zoning By-law as it relates to 565 Brock Road East, Flamborough and also to speak to 780 8th Concession Road West, Flamborough. (Item 4.7)

Matt Johnston of Urban Solutions Planning & Land Development Consultants Inc. addressed Committee indicating that he is submitted requests with respect to two properties as follows:

- 565 Brock Road East, in Flamborough (correction to 585 indicated on agenda)– the property is relatively small in size and area and doesn't lend itself to farming; it merits a site specific exception to permit a general contracting yard with accessory commercial vehicle maintenance, repair and storage with aggregate storage which is its current long established use;
- 780 8th Concession Road West, Flamborough – A 2,125 m² aquaponics facility has been constructed on the subject lands with the intent of facilitating a medical marihuana use in the future – the by-law is proposing to limit new medical marihuana facilities to 2,000 m² – he is requesting removing this limit.

(Pasuta/Conley)

That the delegation from Matt Johnston from Urban Solutions Planning & Land Development be received.

CARRIED

5. Michelle Oosterveld from Country Estates Landscaping, 912 Beeforth Road, Waterdown, respecting Proposed Rural Zoning By-law (Item 4.8)

Michelle Oosterveld read from a prepared statement copies of which were distributed. A copy is included for the public record and has been uploaded onto the City's website.

She indicated that she is taking exception to the position taken by CROP against legalizing landscape contractors as there are many other businesses operating in the rural area.

(Pasuta/Conley)

That the delegation from Michelle Oosterveld from Country Estates Landscaping be received.

CARRIED

6. Tony DiGiovanni, Landscape Ontario Horticultural Trades Association, to respond to recent correspondence against the grandfathering of landscape companies. (Item 4.10)

Tony DiGiovanni, Executive Director of Landscape Ontario Horticultural Trades Association, read from a prepared statement copies of which were distributed and a copy has been uploaded onto the City's website.

He presented arguments in response to the concerns expressed by CROP.

(Conley/Collins)

That the delegation from Tony DiGiovanni Landscape Ontario Horticultural Trades Association be received.

CARRIED

Committee presented a number of amendments to the recommendations.

Chair Partridge relinquished the Chair to Vice-Chair B. Johnson to move and second the following motions.

(Partridge/Pasuta)

That the following wording be added at the end of regulation 9.12.3.4 d) i) of the proposed Rural Zoning By-law (Appendix B, Page 31): "but shall not be required adjacent to lands zoned Extractive Industrial (M12) Zone."

The full regulation to read as follows:

"A minimum 1.2 metre high fence shall be provided and maintained around the licensed boundary of a Mineral Aggregate Operation, *but shall not be required adjacent to lands zoned Extractive Industrial (M12) Zone.*"

Amendment CARRIED

(Partridge/Pasuta)

That sub-section (e) be added to Staff Report PED13167(c) as follows:

- (e) That Official Plan Amendment - Appendix "A" and Amending By-law – Appendix "B" of PED13167(c), as it pertains to lands located at 475,

515, Parts of Lot 2, Lot 3, Part of Lot 4, Part of Lot 5 Concession 11 Road East be amended as follows:

- (i)..... That Site Specific Official Plan Policy 1.0 a) be amended by adding the words “and hydrologic” following “natural heritage”; and,
- (ii) That Special Exception 259 be amended as follows:
 - (a) By deleting the words “and notwithstanding Section 7.6.2.2 and Section 7.6.2.3” following “Section 7.6.1”; and,
 - (b) By deleting and replacing clause b) with the following clause:

(b) The following use shall be permitted:

Single Detached Dwelling and accessory uses,
in accordance with Sections 7.6.2.3 and 4.8.2.”

Amendment CARRIED

(Partridge/Pasuta)

That staff be directed to:

- (a) amend Zoning By-law No. 05-200 by zoning the lands at 1055 Highway 6, identified on Maps 48 and 60, as Rural (A2) Zone-249 to permit the following three uses:
 - 1. Commercial Motor Vehicle Sales, Rental and Service Establishment;
 - 2. Manufacturing; and,
 - 3. Warehouse.
- (b) amend Zoning By-law No. 05-200 by zoning the lands at 524 Concession 6 Road West, identified on Map 60, as Rural (A2) Zone with a special exception to permit Manufacturing.
- (c) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to permit the expansion of the golf course for the rear of the property located at 167 Highway 5 West, on the following basis:
 - i) the lands located at the rear of 167 Highway 5 West be redesignated from “Agricultural ” to “Open Space” on Schedule “D” – Rural Land Use Designations; and,
 - ii) the lands located at the rear of 167 Highway 5 West be zoned Open Space (P4) Zone and identified on Map 85.
- (d) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to zone the lands as Rural (A2) Zone to permit agriculturally

related uses for the property located at 67 Concession 6 Road East , on the following basis:

- i) the lands be redesignated from “Agricultural ” to “Rural” on Schedule “D” – Rural Land Use Designations; and,
 - ii) the lands be zoned Rural (A2) Zone and identified on Maps 24 and 25.
- (e) amend Existing Rural Industrial (E2) Zone-127 in Zoning By-law No. 05-200 identified on Map 38, for properties located at 369, 381, 383,385 and part of 377 Concession 6 Road East, to permit aircraft maintenance and storage.
- (f) amend the Existing Rural Commercial (E1) Zone-111 in Zoning By-law No. 05-200 identified on Map 84, for the property located at 357 Highway 5 West, to permit a warehouse.
- (g) amend Zoning By-law No. 05-200 by zoning the lands at 374 Concession 5 Road West, identified on Map 60, as Settlement Institutional (S3) Zone.

Amendment CARRIED

(Pasuta/Partridge)

That staff be directed to:

- (a) amend Rural (A2) Zone-217 in Zoning By-law No. 05-200 as identified on Maps 24 and 25, for the property located at part of 963 Regional Road 97, to permit a motor vehicle repair shop.
- (b) amend Existing Rural Industrial (E2) Zone-228 in Zoning By-law No. 05-200 and identified on Map 92, for the properties located at 466 Highway 52, 489 Highway 8 to permit Manufacturing .
- (c) amend the Existing Rural Commercial (E1) Zone-224, identified on Map 84 in Zoning By-law No. 05-200 for the property located at 557 Highway No. 5, to permit the following five uses:
 - 1. Fruit and vegetable market;
 - 2. Garden Centre;
 - 3. Manufacturing;
 - 4. Motor Vehicle Sales and Service Establishment; and,
 - 5. Restaurant.
- (d) amend Zoning By-law No. 05-200 by extending the Existing Rural Industrial (E2) Zone identified on Map 81, for part of the property located 1419-1421 Concession 4 Road West to include the existing buildings and to add a special exception to permit the following three uses:
 - 1. Motor vehicle repair shop;
 - 2. Sawmill; and,

3. Welding shop, including crane service;
 4. Manufacturing.
- (e) amend Zoning By-law No. 05-200 to zone the lands located at 18 Short Road, identified on Map 107, as Settlement Residential (S1) Zone with two special exceptions (one for each building) to permit the following uses within the two existing buildings:
1. the existing building located at the northern limit of the property:
 - i) Tradesperson's shop; and,
 - ii) Storage.
 2. the existing building fronting on Short Road:
 - i) Retail store;
 - ii) Office;
 - iii) Personal Services;
 - iv) Craftsperson Shop; and,
 - v) One residential unit.
- (f) amend Zoning By-law No. 05-200 by zoning the lands at 1190 Highway No. 8, identified on Map 65, as Agriculture (A1) Zone with a special exception to allow reduced setbacks for all uses permitted within the Agriculture (A1) Zone.
- (g) amend Zoning By-law No. 05-200 by zoning the lands at 565 Brock Road, identified on Map 83, as Agriculture (A1) Zone with a special exception as follows:
1. That the following uses be permitted:
 - (i) aggregate, concrete and asphalt storage and recycling;
 - (ii) topsoil preparation; and,
 - (iii) accessory repair, maintenance and storage of Commercial Motor Vehicles associated with the uses above.
 2. That the following regulation apply:
 - (i) An earth berm with a minimum height of 2.0 metres and a planting strip along the top of the berm consisting of evergreens with a minimum height of 1.5 metres be provided along the front property line from the north east corner property and extending 115 metres south. The earth berm be setback 6.0 metres from the front property line.

- (h) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to permit a school on a portion of the property located at 680 Highway 8, on the following basis:
 - (i) a portion of the 680 Highway 8 property be redesignated from “City Wide Park” to “Settlement Institutional” on Volume 2 – Map 13, Rockton Rural Settlement Area Plan; and,
 - (ii) a portion of the 680 Highway 8 property be zoned Settlement Institutional (S3) Zone and identified on Maps 80 and 91.

Amendment CARRIED

(Pasuta/Partridge)

That amendments to Zoning By-law 05-200 respecting the property at 1379 Highway 5 West be deferred until the July 10, 2015 Council meeting.

CARRIED

Chair Partridge assumed the Chair.

(B. Johnson/Pasuta)

That staff be directed to:

- (a) amend Agriculture (A1) Zone-105 in Zoning By-law No. 05-200 identified on Map 181, for the property located at 1050 Regional Road 56, to permit the sale of four (4) motor vehicles, accessory to the existing Motor Vehicle Service Station; and,
- (b) amend Agriculture (A1) Zone in Zoning By-law No. 05-200 identified on Map 169, for part of the property located at 913 Mud Street, with a special exception to permit a contractor’s establishment.

Amendment CARRIED

Chair Partridge and Councillors B. Johnson and Pasuta expressed a special thanks to Joanne Hickey-Evans, Diana Yakhni, Heather Travis and Steve Robichaud for their hard work regarding this issue and particularly for meeting with the individual property owners to address their concerns.

Councillor B. Johnson indicated that she wished to be recorded as OPPOSED to Special Exception 259.

For disposition of this matter refer to Item 7.

(i) MOTIONS (Item 9)

(i) Hess Village Paid Duty Policing Pilot (Item 9.1)

- 1. **Dean Collett, Sizzle and Koi, Hess Village, respecting Hess Village Policing (Item 4.6).**

Dean Collett addressed Committee and presented some slides of the patios in Hess Village with the help of his General Manager, Kyle Skinner.

He indicated that he has been a Hess Village business owner for close to 18 years. The business owners in Hess Village have made significant investments and the majority of the operators are very responsible. There are 15 establishments, 10 of which have a vibrant food program.

In his opinion, the problems with Hess Village are due to the high concentration of establishments which attract up to 5,000 patrons. Only a small percent of the patrons cause problems.

The business has decreased over the years and the paid duty costs are high and are unaffordable for the operators.

All the other entertainment districts in the country are patrolled by police and this service is paid for by the municipalities.

(B. Johnson/A. Johnson)

That the delegation from Dean Collett be received.

CARRIED

Re: Hess Village Paid Duty Policing Pilot (Item 9.1 cont.)

(Green/Farr)

That the motion respecting Hess Village Paid Duty Policing Pilot be amended by decreasing the percentage to 50%, changing the duration of the pilot to 2 years retroactive to the Victoria Day Weekend, excluding the direction that the City cover the administration fee, and by deleting subsection (c) and re-lettering the subsequent subsections accordingly.

The amendment CARRIED on the following standing recorded vote:

Yeas: Farr, Green, Conley, Pasuta, A. Johnson
Total: 5
Nays: Pearson, Collins, B. Johnson, Partridge
Total: 4
Absent: 0

(Green/Farr)

Whereas, from an Economic Development perspective, Hess Village, Hamilton's only defined entertainment district, once employed approximately 500, now employs approximately 250 and the average number of patron's during the patio season has decreased by approximately 65 percent; and

Whereas, Hess Village once accommodated 17 establishments and now only 12 establishments exist; and

Whereas, the turnover of establishments in the last 10 years is approximately 20 that have come and gone resulting in an unpredictable business environment; and

Whereas, in 2010, the City of Hamilton Council amended Schedule 21 of By-law 07-170 by increasing the total number of Paid Duty officers during the patio season to a maximum of 10 officers for Thursday, Friday and Saturday nights; and

Whereas, the owners and operators of existing establishments are united in asserting that the current cost of Paid Duty Policing cannot be absorbed with the current level of business and puts an unsustainable financial pressure on business; and

Whereas, the average cost of Paid Duty Policing over the last four years is approximately \$115,000 per year; and

Whereas, there are no other examples of this level of private policing at any other Entertainment District in the Country; and

Whereas, other Entertainment Districts in the Country being much larger in size and scope rely on regular duty, levy funded policing; and

Whereas, it is clear that the decline in over-all attendance by patrons and number of business establishments in Hamilton's only Entertainment District has a direct impact on tourism, employment image and economic development and that the unsustainable cost of policing to businesses have directly resulted in an inability to market and promote; and

Whereas, it is estimated the \$40,000 a year in staff time is sent on the Paid Duty Policing issue;

Therefore be it resolved:

- (a) That a ~~four~~ **two** year Hess Village Paid Duty Proportional Fund Sharing Pilot be established ~~at the inception of~~ **retroactive to the** 2015 paid duty patio season (commencing the Victoria Day weekend) to cover **50** percent of the cost of Paid Duty Policing through the Tax Stabilization Reserve #110046 ~~and that the City of Hamilton cover all administrative costs currently estimated at 15 percent of the total Paid Duty bill;~~
- (b) That all businesses in addition to bars and restaurants within Hess Village who chose to remain open during the nightly Paid Duty program shift be included in the By-law to pay into the program based on a percentage devised by the establishment interior /

exterior capacity as consistent with the current formula within the By-law and for bars and restaurants; and,

- ~~(c) That Schedule 21 of the Business Licensing By-law be amended to include all of the businesses who choose to remain open and to require that they pay 35% of the Paid Duty Policing cost;~~
- (c) That staff from Urban Renewal assist business owners with the establishment of a BIA for Hess Village and measure results of the pilot annually and report back to the Planning Committee on its effectiveness.

The Main Motion as amendment CARRIED on the following standing recorded vote:

Yeas: Farr, Green, Conley, Pasuta, A. Johnson
Total: 5
Nays: Pearson, Collins, B. Johnson, Partridge
Total: 4
Absent: 0

For disposition of this matter refer to Item 8.

(ii) West Harbour Task Force (Added Item)

(Collins/Farr)

- (a) That staff be directed to report back to the Planning Committee regarding a Terms of Reference and other relevant information related to the development and operation of a joint Citizen/Council "West Harbour Task Force" that will consider possible land use scenarios and the development of a neighbourhood plan for the Stuart Street Rail Yard; and,
- (b) That staff be directed to determine a funding source for the Task Force.

CARRIED

(j) NOTICES OF MOTIONS (Item 10)

Councillor Collins introduced the following Notice of Motion:

(i) West Harbour Task Force (Added Item 10.1)

- (a) That staff be directed to report back to Council regarding a Terms of Reference and other relevant information related to the development and operation of a joint Citizen/Council "West Harbour Task Force" that will consider possible land use scenarios and the

development of a neighbourhood plan for the Stuart Street Rail Yard;

- (b) That staff be directed to determine a funding source for the Task Force.

(Farr/Collins)

That the rules of order be waived to introduce a motion respecting a West Harbour Task Force.

CARRIED

For disposition of this matter refer to Item (i)(ii) above.

(k) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(Collins/Pasuta)

- (a) That the following new due dates be approved:

Item "S" Correspondence from Bill Grahlman CD, President, 447 Wing Royal Canadian Air Force Association, respecting possible property acquisition by the City of Hamilton

Due Date: July 7, 2015

Proposed New Due Date: September 1, 2015

Item V - Report PED10075(c), Amendments to Licensing By-law, Schedule 3 (Bed Breakfast, Hotels, Motels)

Due Date: July 7, 2015

Proposed New Due Date: September 15, 2015

- (b) That the following Items be removed:

Item "R" - Hamilton Municipal Heritage Committee Report 14-003 – was referred back to the Hamilton Municipal Heritage Committee for information – no further action required.

Item "T" - Former King George School – Heritage Designation (Approved at last meeting.)

Item "KK" - Review and report back on regulations and zones where abattoirs and livestock assembly points are proposed in rural zoning. (Item 8.1 on this agenda)

Item LL - Investigate range of Permitted zoning uses within proposed E1& E2 compared to M3 and HC and report back. (Item 8.1 on this agenda)

Item "OO" - Staff to report back on zoning by-law amendments to provide for relaxed parking requirements for James St N. & S.

commercial properties and properties zoned "H" District in the former City of Hamilton (Item 6.2)

CARRIED

(I) ADJOURNMENT (Item 12)

(Pearson/Conley)

There being no further business, that the Planning Committee be adjourned at 5:10 p.m.

CARRIED

Respectfully submitted,

Councillor J. Partridge
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk