



PLANNING COMMITTEE

MINUTES 15-015

9:30 am

Tuesday, October 6, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with regrets: Councillor M. Pearson (2nd Vice-Chair), personal

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Hamilton Municipal Heritage Committee Report 15-008 (Item 5.1)

- (a) Heritage Permit Application HP2015-034, under Part V of the *Ontario Heritage Act*, for the Replacement of Select Windows at 39 John Street East, Flamborough (PED15139) (Ward 15) (Item 8.4)**

(B. Johnson/Green)

That Heritage Permit Application HP2015-034, under Part V of the *Ontario Heritage Act*, for the Replacement of Select Windows at 39 John Street East, Flamborough, be approved subject to the following condition:

- (i) That staff be directed to continue working with the property owner to ensure that the proposed replacement windows are compatible with the design and proportions of the existing historic windows being replaced.

CARRIED

2. **Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) (Item 6.1)**

(B. Johnson/Pasuta)

That approval be given to Draft Plan of Condominium Application 25CDM-201508, by A.J. Clarke and Associates (c/o Stephen Fraser), Agent, on behalf of Multi-Area Developments Inc. (c/o Aldo DeSantis), Owner, to establish a Draft Plan of Condominium (common element) to create a condominium road, a sidewalk on portions of the condominium road, an 866.97 square metre amenity area, and 21 visitor parking spaces, on lands located at 1-100 Bloom Crescent, 1-11 Ladybell Lane, 2-12 Laureloak Lane, and **209, 225-235 Bellagio Avenue** (Glanbrook), as shown on Appendix "A" to Report PED15148, subject to the following conditions:

- (a) That this approval for Draft Plan of Condominium (common element) application 25CDM-201508 applies to **Part of Block 189, Plan 62M-1210 (Parts 77, 149 & 150 on Plan 62R-20170)** of the Draft Plan prepared by A.J. Clarke and Associates, certified by B.J. Clarke, and dated January 26, 2015, consisting of a condominium road, a sidewalk on portions of the condominium road, an 866.97 square metre amenity area, and 21 visitor parking spaces attached as Appendix "B" to Report PED15148;
- (b) That the **amended** conditions of Draft Plan of Condominium Approval provided as Appendix "C" to Report PED15148 be approved.

**Amendment CARRIED
Main Motion as Amended CARRIED**

3. **Application for a Zoning By-law Amendment for Properties Located at 61, 65 and 69 Aquasanta Crescent (Hamilton) (PED15150) (Ward 7) (Item 6.2)**

(B. Johnson/Conley)

(a) That approval be given to Zoning Application ZAR-15-032, by DiCenzo Construction, Owner, for a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, Etc.) District, to permit the development of three single detached dwellings on lands located at 61, 65 and 69 Aquasanta Crescent (Hamilton), as shown on Appendix "A" to Report PED15150, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED15150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593;

- (b) That staff be directed to amend the Ryckman's Neighbourhood Plan from the "Civic and Institutional" designation to "Single and Double" to reflect the proposed use.

CARRIED

4. Rural Zoning By-law Follow-up and Updates (PED13167(d)) (Wards 9, 11, 12, 13, 14 and 15) (Item 6.3)

(Pasuta/Conley)

- (a) That approval be given to Official Plan Amendment (OPA) No._____ to the Rural Hamilton Official Plan (RHOP) (CI 15-B) to redesignate a portion of 680 Highway 8 from City Wide Park to Settlement Institutional, to include Settlement Institutional policies within the Rockton Rural Settlement Area Plan and to identify a new Special Policy Area for the Rockton Fairgrounds to allow for ancillary commercial recreation uses, on the following basis:
 - (i) That the draft Official Plan Amendment (OPA), attached as Appendix "A" to Report PED13167(d), 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 to apply Rural Zones to lands previously identified as being within the Airport Employment Growth District (AEGD) Study Area and generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road, and add special exceptions, on the following basis:
 - (i) That the Draft By-law, attached as Appendix "B" to Report PED13167(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes in zoning are in conformity with the Rural Hamilton Official Plan (RHOP).
- (c) That approval be given to City Initiative 15-B for the Rural Area of the City, to amend Zoning By-law 05-200 as it pertains to Rural Zones in order to allow for corrections and additions to be made, which include the clarification of regulations and the inclusion of and amendments to specific special exceptions, on the following basis:
 - (i) That the Draft By-law, attached as Appendix "C" to Report PED13167(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

- (ii) That the proposed changes in zoning are in conformity with the Rural Hamilton Official Plan (RHOP).
- (d) That approval be given to City Initiative 15-B for specific properties within Wards 12, 14 and 15, to apply Special Exception 253 to recognize and permit a landscape contracting establishment, on the following basis:
 - (i) That the Draft By-law, attached as Appendix “D” to Report PED13167(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes are in response to the direction of a Council approved Motion dated April 8, 2015.
- (e) **That the following Special Exception #287 be incorporated into the Rural Zoning By-law:**
 - “287. Notwithstanding Sections 4.8.1 a), 5.1 b) i), 5.1 b) iii), 5.1 b) ix), 5.2 b) and 12.3.3 a), on those lands zoned Settlement Residential (S1) Zone, identified on Map 94 of Schedule “A” – Zoning Maps and described as 374 Moxley Road, the following special provisions shall apply:**
 - (a) The minimum lot area shall be 0.27 ha;
 - (b) The minimum parking space size for a parking space in the garage shall be 2.5 m in width by 5.5 in length; and,
 - (c) Sections 4.8.1 a), 5.1 b) i), 5.1 b) iii), and 5.1 b) ix) shall not apply.”
- (f) **That Special Exception #195 be amended by adding the following regulation:**
 - “b) In addition to the above and notwithstanding Section 4.8.1 b), for the property located at 757 Old Highway 8, a maximum gross floor area of 332.0 square metres for an accessory building shall be permitted.”**
- (g) **That recommendation 5 of Appendix “C” to Report PED13167(d) be revised as follows:**
 - “5. That Map Nos. 80 and 91 of Schedule “A” – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the City Wide Park (P3) Zone to the Settlement Institutional (S3, H14) Zone, the extent and boundaries which are shown on Schedule “A5” to this By-law.”**
- (h) **That Schedule “D” – Holding Provisions of By-law 05-200 is hereby amended by adding an additional Holding Provision as follows:**

“14. Notwithstanding Section 12.5 of this By-law, on those lands zoned Settlement Institutional (S3) Zone, identified on Maps 80 and 91 of Schedule “A” – Zoning Maps and described as part of 680 Highway 8, the development of an Educational Establishment shall not be permitted until such time as:

(i) The owner/applicant submits a Hydrogeological Assessment of the subject lands based on the proposed development in order to assess the capacity of the subject lands for sustainable private servicing to the satisfaction of the Manager of Source Protection Planning, Public Works Department;

(i) That a portion of the Special Exception 253 boundary for the property located at 2532 Governors Road be removed;

(j) That zoning for the lands located at 9255 Airport Road and shown on Map 189 be revised by deleting the P7 zone so the entirety of the property will be zoned A2 to recognize this Natural Heritage features is not present on the lands;

(k) That Special Exception #278 be deleted and replaced with the following:

“278. Notwithstanding Sections 12.2.1, 12.2.3.1 i) and 12.2.3.2 g) ii), on those lands zoned Rural (A2) Zone, identified on Map 134 of Schedule “A” Zoning Maps and described as part of 944 Garner Road East, the following special provisions shall also apply:

a) The following uses shall also be permitted:

Farm Market
outdoor seasonal retail

b) For the purposes of Special Exception 278, the following definition shall apply:

Farm Market	Shall mean a building or structure where fresh fruit and vegetables, flowers and plants grown and other products derived from the Agricultural operation on the same property as well as other farms are offered for sale.
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c) The following regulations shall also apply:

i)	Maximum Gross Floor Area for Farm Market	1,050.0 square metres
ii)	Maximum Gross Floor Area for Agricultural Brewery/Cidery/Winery	925.0 square metres
iii)	Maximum Gross Floor Area for outdoor seasonal retail	435.0 square metres”

- (l) That as the above changes to the Rural Zoning By-law are minor in nature, that Council determines that no further notice is required prior to the passing of the proposed By-law, as amended, pursuant to Section (34)17 of the *Planning Act*.

Amendment CARRIED
Main Motion as Amended CARRIED

5. Proposal from the Nikola Tesla Educational Corporation to Change the Street Name for a Portion of Burlington Street East, from the QEW to 165 metres east of Ottawa Street North, in both directions, to Nikola Tesla Expressway, Hamilton (PED15145) (Wards 4 and 5) (Item 7.1)

(Collins/Farr)

- (a) That the renaming of a portion of Burlington Street East from the QEW to 165 metres east of Ottawa Street North in both directions, as identified on Appendices “A” and “B” attached to Report PED15145, be approved;
- (b) That the By-law be held in abeyance until staff are satisfied that all costs associated with the proposal for street sign replacements can be covered by the Nikola Tesla Educational Corporation (NTEC).

CARRIED

6. Proposal to Rename Windermere Road to Steel City Court, Hamilton (PED15146) (Ward 4) (Item 7.2)

(B. Johnson/Collins)

- (a) That Windermere Road, in the former City of Hamilton, be renamed “Steel City Court” as identified on Appendix “A” to Report PED15146;
- (b) That the draft By-law, attached as Appendix “F” to Report PED15146, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

CARRIED

7. Amendments to Licensing By-law 07-170, Schedule 3 (Bed and Breakfasts, Hotels / Motels) (PED10075(d)) (City Wide) (Item 7.3)

(Pasuta/A. Johnson)

- (a) That Schedule 3 (Bed and Breakfasts, Hotels / Motels) of Licensing By-law No. 07-170 be amended by removing the requirement for a Property Standards Certificate of Compliance;
- (b) That the draft By-law attached as Appendix "C" to Report PED10075(d) which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

CARRIED

8. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application HM/A-11:22, Gary Ceppetelli (Owner), for lands located at 175 Young Street (Hamilton) (PED15155) (Ward 2) (Item 8.1)

(Farr/Collins)

That the following actions, as detailed in Report PED15155, respecting the appeal of City of Hamilton Committee of Adjustment Minor Variance Application HM/A-11:22, Gary Ceppetelli (Owner), 175 Young Street (Hamilton), as shown on Appendix "A" to Report PED15155, approved by the Committee of Adjustment but recommended for Denial by the Planning and Economic Development Department, be approved;

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Minor Variance Application HM/A-11:22; and,
- (b) That appropriate Legal Services and Planning staff be directed to attend the future OMB Hearing in opposition to the decision of the Committee of Adjustment to approve Minor Variance Application HM/A-11:22.

CARRIED

9. Committee of Adjustment Minor Variance Application SC/A-15:187 for the Property Located at 29 Lakeview Drive (Stoney Creek), Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15149) (Ward 10) (8.2)

(Collins/Green)

That Legal staff be directed to support the appellant's appeal to the OMB against the decision of the Committee of Adjustment to deny Minor Variance Application SC/A-15:187 for the Property Located at 29 Lakeview Drive and to use City Planning staff as their professional witness.

CARRIED

10. Status Update on the Review of Parkland Dedication Rates for Higher Density Development (PED15166) (City Wide) (Item 8.3)

(Farr/Collins)

That Report PED15166 respecting Status Update on the Review of Parkland Dedication Rates for Higher Density Development be received.

CARRIED

11. Interim High Density Parkland Dedication Fee (tem 8.3)

(Farr/Collins)

That on an interim basis and until staff complete a Parkland Dedication review (expected in May 2017), a \$7,500 cap be placed on the per-unit Parkland Dedication fee and indexed for inflation as it relates to densities of 300 units per hectare or greater.

CARRIED

12. Outstanding Business List (Item 11.1)

(Farr/Conley)

That the following Item be referred to the Public Works Committee:

Item W(a): Nikola Tesla Educational Corporation, respecting the appropriate Location to erect a Statue of Nikola Tesla.

CARRIED

13. Parkland Appeals of Fruitland Winona Secondary Plan (Added Item 12.1)

(Conley/Pasuta)

That the recommendations respecting Parkland Appeals of Fruitland Winona Secondary Plan remain confidential until Council approval.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

Jason Thorne, General Manager of Planning, advised Committee that in an effort to be more customer friendly, the Licensing Division has changed the uniforms of the Business Licensing Officers. Ken Leendertse, Director of Licensing, presented the Business Licensing Officers wearing the new golf shirts.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED DELEGATION REQUESTS

- 4.1 Norbert Preiner, 9 Macartney Court, Thorold, respecting Item 8.2 Committee of Adjustment Minor Variance Application for property located at 29 Lakeview Drive supported by Planning staff but denied by Committee of Adjustment. (For today's meeting)
- 4.2 Suzanne Mammel, Hamilton-Halton Home Builders Association, respecting viability of 18 m road allowances in the City of Hamilton which are not being proposed in the Engineering Guidelines. (For today's meeting)

ADDED WRITTEN COMMENTS AND REGISTERED SPEAKERS:

- (i) Regarding Item 6.2 Application for a Zoning By-law Amendment for Properties Located at 61, 65 and 69 Aquasanta Crescent (PED15150)

Registered Speakers

- 1. Judith Lee, 22 Como Place, Hamilton

- (ii) Regarding Item 6.3 Rural Zoning and By-law Follow-Up and Updates (PED13167(d))

Written Comments

6.3(ii) Scott Snider, Turkstra Mazza, on behalf of Hotz and Sons Limited, 9255 Airport Road

6.3(iii) Don and Susan Pede, 706 Old Highway No. 8

6.3(iv) John Bennett, CROP, Coalition for Rural Ontario Environmental Protection

- (iii) Regarding Item 7.1 Proposal from the Nikola Tesla Educational Corporation to Change the Street Name for a Portion of Burlington Street East, from the QEW to 165 metres east of Ottawa Street North, in both directions, to Nikola Tesla Expressway, Hamilton (PED15145) (Wards 4 & 5)

Registered Speakers

- 3. Dr. Colin Campbell, Grade 9 Science teacher at Glendale Secondary School
- 4. Michael Wolfe, Grade 9 student, Glendale Secondary School
- 5. Former Mayor Bob Morrow

Written Comments

- 7.1(iii) Andrea Javor, Consul General of the Republic of Croatia
- 7.1(iv) John McGreal (Copy attached)

ADDED PRIVATE AND CONFIDENTIAL

12.1 Parkland Appeals of Fruitland Winona Secondary Plan (Distributed under separate cover)

This matter is proposed for consideration in Closed Session pursuant to Sub-sections 8.1 (c), (e) and (f) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes, litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Also, there are some housekeeping amendments required to the recommendations of Item 6.1 and of Item 7.3 and also to Schedule "D" of Item 6.3. Staff will introduce these amendments and copies have been distributed.

(Green/Johnson)

That the Agenda for the October 8, 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) September 15, 2015 Meeting (Item 3.1)

(Conley/A.Johnson)

That the Minutes of the September 15, 2015 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Pasuta/Green)

That the following delegation request to address Committee at today's meeting respecting Item 8.2, be approved:

- (i) Norbert Preiner, 9 Macartney Court, Thorold, respecting Item 8.2 Committee of Adjustment Minor Variance Application for property located

at 29 Lakeview Drive supported by Planning staff but denied by Committee of Adjustment. (Added Item 4.1)

CARRIED

(Farr/B. Johnson)

That the rules of order be waived in order to approve the following delegation to address Committee at today's meeting:

- (ii) Suzanne Mammel, Hamilton-Halton Home Builders Association, respecting viability of 18 m road allowances in the City of Hamilton which are not being proposed in the Engineering Guidelines. (For today's meeting) (Added Item 4.2)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) **Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) (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 Draft Plan of Condominium 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.

Madeleine Giroux, Planner, explained that housekeeping amendments are required to the recommendations to capture six properties fronting on Bellagio Avenue and copies have been distributed.

(B. Johnson/Farr)

That the staff verbal update be received.

CARRIED

(Green/Conley)

That the public meeting be closed.

CARRIED

Committee approved the staff recommendations as amended. For disposition of this matter refer to Item 2.

(ii) **Application for a Zoning By-law Amendment for Properties Located at 61, 65 and 69 Aquasanta Crescent (Hamilton) (PED15150) (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 makes a decision regarding 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.

Melanie Schneider, Planner, provided an overview of the staff report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(Collins/Farr)

That the staff presentation be received.

CARRIED

Registered Speakers

1. Judith Lee, 22 Como Place, Hamilton

Judith Lee addressed Committee and her comments included but were not limited to the following:

- First issue – traffic concerns;
- It is essential that the development have sidewalks on both sides of the street;
- There is not enough designated parking on the streets;
- Concerned that the access to the Park will be impeded (submitted a map of the neighbourhood to show the entranceway);
- Ticks love long grass species – the grass should be cut;
- Aboriginal burial grounds – also has long grass species;
- Priorities:
 - Safety
 - Ticks – mow the whole park
 - Sidewalks due to traffic
- The mounds of dirt from the construction are impacting some of the neighbours' properties.

Staff responded to questions from Committee.

2. James Webb, WEBB Planning Consultants

James Webb addressed Committee on behalf of his client and his comments included but were not limited to the following:

- This is an area under construction;
- The work began in 1986 and these are not new lots but part of the original draft plan;
- There is a range of issues in this neighbourhood;
- The sub-division has been registered and houses are selling;
- There will be sidewalks on both sides of this street once the construction is completed;
- Drainage – lots will be graded; rear yard catch basins will be installed;
- The residential lots will not impede the pedestrian access to the Park;
- Regarding Parkland dedication, the developer met the requirements by dedicating land – no additional land or monies are owing;
- Three lots were created and they comply in all regards.

James Webb responded to questions from Committee.

(Conley/B. Johnson)

That the delegations be received.

CARRIED

(Collins/Farr)

That the public meeting be closed.

CARRIED

Councillor B. Johnson requested that staff work with Judith Lee to address her concerns.

For disposition of this matter refer to Item 3.

(iii) Rural Zoning By-law Follow-up and Updates (PED13167(d)) (Wards 9, 11, 12, 13, 14 and 15) (Item 6.3)

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 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.

Written Comments

6.3(i) Kelly & Andrew Lake, 1434 Middletown Road

6.3(ii) Scott Snider, Turkstra Mazza, on behalf of Hotz and Sons Limited, 9255 Airport Road

6.3(iii) Don and Susan Pede, 706 Old Highway No. 8

6.3(iv) John Bennett, CROP, Coalition for Rural Ontario Environmental Protection

(Pasuta/Collins)

That the written comments, Items 6.3(i) to 6.3(iv), be received.

CARRIED

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-Law Reform, provided an overview of the Report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

She indicated that there were two housekeeping amendments required. One is an amendment to Appendix "D" to Report PED13167(d) (and the corresponding map) to remove a portion of the Special Exception 253 boundary for the property located at 2532 Governors Road. The second amendment is to remove the P7 Zoning from 9255 Airport Road.

Joanne Hickey-Evans responded to questions from Committee.

(Pasuta/A. Johnson)

That the staff presentation be received.

CARRIED

Registered Speakers

- 1. John Ariens, IBI Group, regarding 1017 Highway 6, Flamborough**

John Ariens of IBI Group addressed Committee with the aid of a PowerPoint presentation on behalf of his clients, Bill and Laurel Allen, the owners of the property at 1017 Highway 6. A copy of the presentation was distributed and has been submitted for the public record. It is also available for viewing on the City's website. His comments included but were not limited to the following:

- His clients weren't aware they needed to register as a Landscape Contractor to be included in the Special Exception;
- They found out a week following the deadline;
- They missed the deadline but wish to be included;
- He requested that Special Exception 253 be extended to include 1017 Highway No. 6;
- There was no formal notice from the City;
- They are not members of Landscape Ontario.

John Ariens responded to questions from Committee.

(Pasuta/Conley)

That the delegation from John Ariens be received.

CARRIED

2. Georgina Beattie, 1375 Hwy 8, Stoney Creek

Georgina Beattie addressed Committee and her comments included but were not limited to the following:

- Rural Zoning By-law amendments and the Greenbelt review are cause for concern;
- It appears that their property is not part of this particular report, however, she wants to ensure that they are part of this planning process;
- They don't want to be left out.

In response to questions from Committee, Georgina Beattie advised that their property is correctly zoned under the former Township of Saltfleet By-law and they want to retain the site specifics when the property is removed from the Greenbelt. She submitted written comments which are part of the public record.

3. Bill and Laurel Allen, 1017 Highway No. 6, Flamborough

Bill and Laurel Allen addressed Committee. Their comments included but were not limited to the following:

- They have only two bobcats and a small excavator on their property;
- They don't work the winters;
- The only time they had bulldozers on their property was when they were constructing the berm;
- There is a high hedge between their property and the neighbour's property;
- You can't see their property from the highway;
- The newspaper article did not mention the deadline for registering under the Special Exception for Landscapers;
- They saw the article after the fact;

- They want a private lot; they want their operation to be small and quiet.

They responded to questions from staff.

(A. Johnson/M. Green)

That the delegations be received.

CARRIED

(Farr/Pasuta)

That the public meeting be closed.

CARRIED

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

(aa) Bill and Laurel Allen, 1017 Highway No. 6, Flamborough

(Partridge/Pasuta)

That the request from Bill and Laurel Allen to include their property located at 1017 Highway No. 6 in the Rural Zoning By-law Special Exception 253 be referred to staff to be resolved before the next Council meeting scheduled for October 14, 2015.

CARRIED

Chair Partridge assumed the Chair.

(Pasuta/B. Johnson)

That the recommendations in Report PED13167(d) respecting Rural Zoning By-law Follow-up and Updates be amended by adding subsections (e), (f) and (g) as follows:

- (e) That the following Special Exception #287 be incorporated into the Rural Zoning By-law:

“287. Notwithstanding Sections 4.8.1 a), 5.1 b) i), 5.1 b) iii), 5.1 b) ix), 5.2 b) and 12.3.3 a), on those lands zoned Settlement Residential (S1) Zone, identified on Map 94 of Schedule “A” – Zoning Maps and described as 374 Moxley Road, the following special provisions shall apply:

- (a) The minimum lot area shall be 0.27 ha;
- (b) The minimum parking space size for a parking space in the garage shall be 2.5 m in width by 5.5 in length; and,
- (c) Sections 4.8.1 a), 5.1 b) i), 5.1 b) iii), and 5.1 b) ix) shall not apply.”

(f) That Special Exception #195 be amended by adding the following regulation:

“b) In addition to the above and notwithstanding Section 4.8.1 b), for the property located at 757 Old Highway 8, a maximum gross floor area of 332.0 square metres for an accessory building shall be permitted.”

(g) That as the above changes to the Rural Zoning By-law in Appendix “C” to Report PED13176(d) are minor in nature, that Council determines that no further notice is required prior to the passing of the proposed By-law, as amended, pursuant to Section (34)17 of the *Planning Act*.

Amendment CARRIED

(B. Johnson/Pasuta)

That the recommendations in Report PED13167(d) respecting Rural Zoning By-law Follow-up and Updates be amended by adding subsections (h), (i), (j) and (k) as follows:

(h) That Special Exception #278 be deleted and replaced with the following:

“278. Notwithstanding Sections 12.2.1, 12.2.3.1 i) and 12.2.3.2 g) ii), on those lands zoned Rural (A2) Zone, identified on Map 134 of Schedule “A” Zoning Maps and described as part of 944 Garner Road East, the following special provisions shall also apply:

a) The following uses shall also be permitted:

Farm Market
outdoor seasonal retail

b) For the purposes of Special Exception 278, the following definition shall apply:

Farm Market Shall mean a building or structure where fresh fruit and vegetables, flowers and plants grown and other products derived from the Agricultural operation on the same property as well as other farms are offered for sale.

c) The following regulations shall also apply:

i)	Maximum Gross Floor Area for Farm Market	1,050.0 square metres
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ii)	Maximum Gross Floor Area for Agricultural Brewery/Cidery/Winery	925.0 square metres
iii)	Maximum Gross Floor Area for outdoor seasonal retail	435.0 square metres"

- (i) That a portion of the Special Exception 253 boundary for the property located at 2532 Governors Road be removed;
- (j) That zoning for the lands located at 9255 Airport Road and shown on Map 189 be revised by deleting the P7 zone so the entirety of the property will be zoned A2 to recognize this Natural Heritage features is not present on the lands.
- (k) That as the above changes to the Rural Zoning By-law in Appendix "B" to Report PED13176(d) are minor in nature, that Council determines that no further notice is required prior to the passing of the proposed By-law, as amended, pursuant to Section (34)17 of the *Planning Act*.

Amendment CARRIED

For disposition of this matter refer to Item 4.

Councillor B. Johnson indicated that she wished to be recorded as OPPOSED to Special Exception 253.

- (iv) **Delegation from Suzanne Mammel, Hamilton-Halton Home Builders Association, respecting viability of 18 m road allowances in the City of Hamilton which are not being proposed in the Engineering Guidelines. (For today's meeting) (Added 4.2)**

Suzanne Mammel addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. Her comments included but were not limited to the following:

- She referred to the presentation made by the Hamilton-Halton Home Builders Association in December 2012;
- The presentation was regarding sidewalks and minimum road allowances;
- There are sidewalks on both sides on most streets;
- The HHHBA made a formal submission regarding the engineering guidelines;
- Other municipalities use less the 20 metres;
- 20 metre setbacks result in loss of lots;
- They are requesting 18 m road allowances;
- Recognizes that technical issues would need to be addressed;
- However, they need a good justification of why 18m cannot be considered.

Suzanne Mammel responded to questions from Committee.

(B. Johnson/Farr)

That the presentation from Suzanne Mammel be received.

CARRIED

(f) PUBLIC NOTICE (Item 7)

- (i) Proposal from the Nikola Tesla Educational Corporation to Change the Street Name for a Portion of Burlington Street East, from the QEW to 165 metres east of Ottawa Street North, in both directions, to Nikola Tesla Expressway, Hamilton (PED15145) (Wards 4 and 5) (Item 7.1)**

Written Comments

7.1(i)(a) & (b) Don Perry, respecting Items 7.1 and 7.2

7.1(ii) Kathy Renwald, respecting Items 7.1 and 7.2

7.1(iii) Andrea Javor, Consul General of the Republic of Croatia

(Collins/B. Johnson)

That the written comments, Items 7.1 (i) to 7.1(iii), be received.

CARRIED

Speakers

1. Vic Djurdjevic of the Nikola Tesla Educational Corporation

Vic Djurdjevic addressed Committee with the aid of a PowerPoint presentation. A copy has been submitted for the public record and is available for viewing on the City's website. His comments included but were not limited to the following:

- He is the president of the Nikola Tesla Educational Corporation (NTEC);
- He outlined the benefits of the proposed street name change;
- He spoke of the significance of Nikola Tesla.

Vic Djurdjevic submitted to the Committee Clerk a petition with 2,229 signatures in support of the name change which is available for viewing in the City Clerk's Office. He responded to questions from Committee.

2. Veso Sobot, P. Eng., Director, Corporate Affairs, IPEX Management Inc.

Veso Sobot addressed Committee. His comments included but were not limited to the following:

- With the aid of a PowerPoint presentation, he showed how the face of the earth changes with the light bulb created by Mr. Tesla;
- He is in attendance as a private citizen;
- He was born 75 miles away from where Mr. Tesla was born in the former Yugoslavia;
- Tesla invented the speedometer and over 700 other inventions that have affected everyone;
- Spoke in support of the recommendations.

3. Dr. Colin Campbell, Grade 9 Science teacher at Glendale Secondary School

Dr. Colin Campbell addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. His comments included but were not limited to the following:

- He is a Science and Physics teacher;
- He is in support of the street name change;
- Would also suggest naming the street after John Patterson, a son of Hamilton who had many accomplishments;
- However, John Patterson couldn't achieve his accomplishments if it weren't for Nikola Tesla;
- Tesla was loved by entrepreneurs.

4. Michael Wolfe, Grade 9 student, Glendale Secondary School

Michael Wolfe addressed Committee and read from a prepared statement. His comments included but were not limited to the following:

- Earlier this year he constructed a Tesla-inspired Science project for which he won many Science Fair medals;
- He has a fascination with Tesla and he thinks it's a good choice of name;
- Hamilton was the Electric City.

5. Former Mayor Bob Morrow

Former Mayor Morrow did not attend. Former Mayor Bob Bratina was in attendance but left the meeting.

(Collins/A. Johnson)

That the delegations be received.

CARRIED

For disposition of this matter refer to Item 5.

(ii) Proposal to Rename Windermere Road to Steel City Court, Hamilton (PED15146) (Ward 4) (Item 7.2)

The Committee Clerk advised there were no registered speakers.

No members of the public came forward

For disposition of this matter refer to Item 6.

(iii) Amendments to Licensing By-law 07-170, Schedule 3 (Bed and Breakfasts, Hotels / Motels) (PED10075(d)) (City Wide) (Item 7.3)

The Committee Clerk advised there were no registered speakers but noted the housekeeping changes to the recommendation to include a new subsection (b).

No members of the public came forward

Committee approved the recommendations as amended. For disposition of this matter refer to Item 7.

(g) Discussion (Item 8)

(i) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application HM/A-11:22, Gary Ceppetelli (Owner), for lands located at 175 Young Street (Hamilton) (PED15155) (Ward 2) (Item 8.1)

- 8.1(i) Jesse O'Halloran
- 8.1(ii) Colleen Wyhoda
- 8.1(iii) Jim Clairmont
- 8.1(iv) Terrance O'Connor
- 8.1(v) Sandra Tweedie
- 8.1(vi) Brittany Stewart
- 8.1(vii) Denis Corr
- 8.1(viii) Colina Magee
- 8.1(ix) Marilyn Baxter
- 8.1(x) Valerie & Padraig Bailey
- 8.1(xi) Nora Gaskin
- 8.1(xii) Michael Cregan
- 8.1(xiii) Chris and Bianca Taylor

- 8.1(xiv) James Schoenhardt
8.1(xv) Anita and Rob McGlashon

(Farr/A. Johnson)

That the written comments, Items 8.1(i) to 8.1(xv), be received.

CARRIED

Delegations

1. James Perdikoulis, applicant

James Perdikoulis addressed Committee and read from a prepared statement. He submitted a copy for the official record. His comments included but were not limited to the following:

- He purchased the Corktown Pub on the condition that a patio would be included;
- The Pub needed repairs;
- Would like to have the patio;
- Needs one for the patrons – that's why they are not busy in the summer;
- The future of the Pub is not certain without a patio;
- He has added security cameras;
- He has worked with law enforcement;
- Has added a children's menu to discourage intoxication;
- He referred to the petition with the 100 signatures in support of the patio (copy included with the agenda);
- If the City drops the appeal he will work things out with the other appellant.

He responded to questions from the Committee.

Chair Partridge relinquished the Chair to Vice Chair B. Johnson and left the meeting.

2. Denis and Sheila Corr

Denis Corr addressed Committee and read from a statement prepared by his wife. Copies were distributed and a copy is in the public record and is also available for viewing on the City's website. Her comments are in support of allowing a patio for the Corktown Pub. He added his own additional comments stating that staff applied four tests to this application but in his opinion they should apply five tests as this application fits in with the Provincial Policy Statement particularly regarding economic prosperity. It also has many positive social aspects which are omitted in the staff report.

(Farr/Collins)

That the delegations be received.

CARRIED

For disposition of this matter refer to Item 8.

- (ii) **Committee of Adjustment Minor Variance Application SC/A-15:187 for the Property Located at 29 Lakeview Drive (Stoney Creek), Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15149) (Ward 10) (Item 8.2)**

Michael Fiorino, Planner, provided a verbal overview of the report and responded to questions from Committee.

(Green/Conley)

That the staff presentation be received.

CARRIED

- (i) **Delegation from Norbert Preiner, 9 Macartney Court, Thorold, respecting Item 8.2 Committee of Adjustment Minor Variance Application for property located at 29 Lakeview Drive supported by Planning staff but denied by Committee of Adjustment. (For today's meeting) (Added 4.1)**

Norbert Preiner addressed Committee on behalf of his client, David Derbyshire, with the aid of PowerPoint presentation. Copies of five letters from the neighbours in support of the application were distributed. A copy of Mr. Preiner's speaking notes was submitted to the Committee Clerk. His comments included but were not limited to the following:

- The original location of the shed;
- Dimensions and front view;
- Side view and dimensions;
- Property survey;
- Zoning information – as property is lakefront, sheds are allowed in the front yard;
- Adjacent owners and all abutting owners are in support of the minor variance;
- The variance satisfies a number of tests;
- His client is requesting that Committee approve Option 1 or 2 in the Alternatives for Consideration.

The applicant, David Derbyshire was in attendance and responded to questions from Committee.

(Farr/Collins)

That the delegations be received.

CARRIED

Committee approved Option 2 of the Alternatives for Consideration in the staff report.

For disposition of this matter refer to Item 9.

(iii) Status Update on the Review of Parkland Dedication Rates for Higher Density Development (PED15166) (City Wide) (Item 8.3)

Peter De Iulio provided a verbal overview of the report.

A discussion followed and staff responded to questions from Committee.

Councillor Farr presented the following Motion:

Interim High Density Parkland Dedication Fee

(Farr/Collins)

Whereas; there currently exists an inequity and disincentive respecting higher density developments in areas of the city where provincial policy states higher densities are required, and

Whereas; within the last 5 years in Hamilton, land values have risen approximately 50% accounting for a significant increase in Parkland Dedication fees, and

Whereas; the Planning and Economic Development Committee of Council has directed staff to “address the issue of affordability with respect to Parkland Dedication fees charged to higher density projects, and

Whereas; consistent with many other municipalities and in the Province of Ontario, Hamilton is struggling to play catch-up on the issue of inequities and disincentives related to Parkland Dedication fees and is currently in the midst of an 18 month review;

Therefore Be It Resolved;

That, on an interim basis and until staff complete a Parkland Dedication review (expected in May 2017), a \$7,500 cap be placed on the per-unit Parkland Dedication fee and indexed for inflation as it relates to densities of 300 units per hectare or greater

CARRIED

Vice Chair B. Johnson and Councillor Green indicated that they wished to be recorded as OPPOSED to this Motion.

For disposition of this matter refer to Items 10 & 11.

(h) MOTIONS (Item 9)

9.1 Nash Orchards Phase 1 and Phase 2 (Added Item)

(Collins/Farr)

That staff be directed to meet with the developer of Nash Orchards to discuss the requirement of boulevards and the possibility of having one design for both Phase 1 and Phase 2.

CARRIED

(i) NOTICES OF MOTIONS (Item 10)

Councillor Collins introduced the following Notice of Motion:

10.1 Nash Orchards Phase 1 and Phase 2 (Added Item)

That staff be directed to meet with the developer of Nash Orchards to discuss the requirement of boulevards and the possibility of having one design for both Phase 1 and Phase 2.

(Collins/Green)

That the rules of order be waived to introduce a motion respecting Nash Orchards Phase 1 and Phase 2.

CARRIED

For disposition of this matter refer to Information Item (h) above.

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

(i) Outstanding Business List (Item 11.1)

(Farr/Conley)

(a) That the following new due date be approved, as amended:

Item "Q" - Redevelopment of a City Owned Surface Parking Lot
Due Date: October 6, 2015
Proposed New Due Date: **TBD**

(b) That the proposed new due date of the following Item be TABLED to the next meeting:

Item "KK" Potential acquisition of 1.48 acres parcel of land located at 50 Greenhill Ave (former St. Christopher Catholic Elementary School) with potential funding options including Parkland credits.
Due Date: October 6, 2015
Proposed New Due Date: March 22, 2016

(c) That the following Items be removed:

Item "R" - Report PED10075(c), Amendments to Licensing By-law, Schedule 3 (Bed Breakfast, Hotels, Motels) (Item 7.3 this agenda)

Item "W(b)" - The Naming of a Road after Mr. Nikola Tesla (Item 7.1 on this agenda.)

**Amendment CARRIED
Motion as Amended CARRIED**

For further disposition of this matter refer to Item 12.

(k) PRIVATE AND CONFIDENTIAL (Item 11)

(i) Parkland Appeals of Fruitland Winona Secondary Plan (Added Item 12.1)

This matter is proposed for consideration in Closed Session pursuant to Sub-sections 8.1 (c), (e) and (f) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes, litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Committee indicated, without moving into Closed Session, that it agrees with the recommendations.

For disposition of this matter refer to Item 13.

(l) ADJOURNMENT (Item 13)

(Collins/Pasuta)

There being no further business, that the Planning Committee be adjourned at 2:36 p.m.

CARRIED

Respectfully submitted,

Councillor J. Partridge
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk