



PLANNING COMMITTEE

MINUTES 16-006

9:30 a.m.

Tuesday, April 5, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

Present:	Councillors M. Pearson (1st Vice-Chair), A. Johnson (2nd Vice Chair), D. Conley, J. Farr, C. Collins, M. Green, R. Pasuta, J. Partridge and D. Skelly.
Absent with regret:	Councillor B. Johnson (Chair), personal
Also present:	Councillor L. Ferguson

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Annual Report on Building Permit Fees (PED16082) (City Wide) (Item 5.1)

(Pasuta/Green)

That Report PED16082 respecting Annual Report on Building Permit Fees (PED16082) be received.

CARRIED

2. Application for Approval of a Draft Plan of Condominium (Common Element) by Urban Solutions Planning and Land Development Consultants Inc. for Lands Located at 98 Shoreview Place, Stoney Creek (PED16076) (Ward 10) (Item 6.1)

(Conley/A. Johnson)

- (a) That approval be given to Red-line Revised Draft Plan of Condominium Application 25CDM-201517 by Urban Solutions Planning and Land Development Consultants Inc., to establish a Draft Plan of Condominium (common element) consisting of a condominium road network, 36 visitor parking spaces, and amenity / landscaped open space areas for 72 freehold townhouse units on lands located at 98 Shoreview Place (Stoney Creek), as shown on Appendix "A" to Report PED16076, subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201517, consisting of a condominium road network, 36 visitor parking spaces, and amenity / landscaped open space areas applies to the redlined plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, and dated August 7, 2015, attached as Appendix “B” to Report PED16076; and,
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201517 provided as Appendix “C” to Report PED16076 be received and endorsed by City Council.

CARRIED

3. Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) (Item 6.2)

(Partridge/Conley)

- (a) That approval be given to Zoning Application ZAR-11-040, by Ralfana Homes Corporation, Owner, for a change in zoning from the “A” (Agricultural) Zone to the “R4-666” (Residential) Zone, Modified for lands located at 1261 Mohawk Road, as shown on Appendix “A” to Report PED16080, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED16080, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms with the Places to Grow – Growth Plan and complies with the Town of Ancaster Official Plan and Urban Hamilton Official Plan.
- (b) That approval be given to Draft Plan of Subdivision Application 25T-201106, by Ralfana Homes Corporation, Owner, to establish a Draft Plan of Subdivision known as Hazelwood Subdivision, on lands located at 1261 Mohawk Road, as shown on Appendix “A” to Report PED16080, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision, 25T201106, prepared by Ralfana Homes Corporation, and certified by E.J. Grenkie, O.L.S., dated June 5, 2015 (see Appendix “C” to Report PED16080), showing six lots for single detached residential dwellings (Lots 1- 6) on a private condominium road and visitor parking (Block B), and one block for a road widening (Block A), subject to the owner entering into a Standard Form Subdivision

Agreement, as approved by City Council, and with the special conditions attached as Appendix “D”, **as amended, by specifying in Condition 15(f) that the fence be a visual barrier fence** by specifying in Condition 15(f) that the fence to be installed by the developer be a visual barrier fence, to Report PED16080;

- (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, and will be calculated in accordance with the City’s Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each building permit; and,

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

- (c) That approval be given to Draft Plan of Condominium (Common Element) Application 25CDM-201603 by Ralfana Homes Corporation, Owner, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road and visitor parking, on lands located at 1261 Mohawk Road, as shown on Appendix “A” to Report PED16080, subject to the following:

- (i) That this approval apply to the Draft Plan of Condominium (Common Element), 25CDM-201603, prepared by Ralfana Homes Corporation, and certified by E.J. Grenkie, O.L.S., dated January 11, 2016 (see Appendix “F” to Report PED16080), showing a private condominium road and visitor parking, subject to the owner entering into a Standard Form Condominium Agreement, as approved by City Council, and with the special conditions attached as Appendix “E”, **as amended, by requiring in Condition 3(f) that the fence be a visual barrier fence**, to Report PED16080;

- (d) ***That the Ward Councillor be apprised of the drainage issues prior to Council approval.***

**Amendment CARRIED
Main Motion as Amended CARRIED**

4. Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 120 and 128 Portia Drive (Ancaster) (PED16083) (Ward 12) (Item 6.3)

(Pasuta/Partridge)

- (a) That approval be given to Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-018, by Montrin Properties (Hamilton) Inc. (Owner), for OPA No. _____, to expand the limits of Ancaster Area Specific Area UA-5 – Area “A”, and to delete and replace in its entirety the Ancaster Area Specific Policies, Section “UA-5A Lands located north of

Wilson Street West and north of Portia Drive (Area A) (OPA 18)", to allow for a broader range of permitted uses, to expand the range of prohibited uses; and, to increase the maximum permitted Gross Floor Area as result of the revised limits of Area Specific UA-5 – Area "A", for the lands known as 120 and 128 Portia Drive (Ancaster), as shown on Appendix "A" to Report PED16083, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B", **as amended to permit non-select food retail uses with no maximum gross floor area and to allow supermarkets, grocery stores and/or food stores with a maximum of 750 square metres**, to Report PED16083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.
- (b) That approval be given to Zoning By-law Amendment Application ZAC-15-037 by Montrin Properties (Hamilton) Inc. (Owner), for a change from the Shopping Centre Commercial "C2-629" Zone, Modified; and, Shopping Centre Commercial "C2-630" Zone, Modified, to the General Commercial "C3-673" Zone, Modified, in order to broaden the range of permitted uses, identify prohibited uses, and provide for corresponding increases in Gross Floor Area caps, for the approved commercial development currently under construction for lands located at 120 and 128 Portia Drive (Ancaster), as show on Appendix "A" to Report PED16083 on the following basis:
- (i) That the draft By-law, attached as Appendix "C", **as amended to allow for Business and Professional Offices with no restrictions on location, "Places of Entertainment" or recreation within wholly enclosed buildings, except for movie theatre(s), to remove cap on Non-Select Food Retail and allow supermarkets, grocery stores and/or food stores up to a maximum of 750 square metres**, to Report PED16083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law be added to Map 5 of Schedule "A" of the Town of Ancaster Zoning By-law No. 87-57.
 - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. .

Amendment CARRIED
Main Motion as Amended CARRIED

5. Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11) (Item 6.4)

(Partridge/Green)

- (a) That Urban Hamilton Official Plan (UHOP) Amendment Application UHOPA-16-03, by Branthaven (Fruitland) Inc., Owner, for an amendment to remove the subject lands from Urban Area Specific "USC-3" Volume 3, Chapter B – Area Specific Policies and to replace it with an Urban Site Specific Policy Area within Volume 3, Chapter C - Urban Site Specific Policy, and to delete the subject lands from Block 2 of the Block Servicing Strategy Area Delineation, in order to permit the development of the lands located at 288 Glover Road, Stoney Creek, for 77 townhouse dwelling units and a stormwater management pond, as shown on Appendix "A" to Report PED16084, be DENIED for the following reasons:
- (i) The proposal is not consistent with the Provincial Policy Statement;
 - (ii) The proposal does not comply with the vision of the Urban Hamilton Official Plan as the applications do not ensure appropriate and orderly development and are considered premature as the Fruitland-Winona Secondary Plan is currently under appeal and before the Ontario Municipal Board; and,
 - (iii) The proposal is considered premature as the Block Servicing Strategy required by the Fruitland-Winona Secondary Plan has not been completed to demonstrate how the lands can be developed appropriately in a coordinated and integrated fashion and not with impact to other developments in the Fruitland-Winona Secondary Plan area.
- (b) That Zoning By-law Amendment Application ZAC-16-012, by Branthaven (Fruitland) Inc., Owner, to change the zoning from the Small Scale Institutional "IS" Zone to a modified Multiple Residential "RM3" Zone, to allow 77 townhouse dwelling units and a stormwater management pond, on lands located at 288 Glover Road, Stoney Creek, as shown on Appendix "A" to Report PED16084, be DENIED for the following reasons:
- (i) The proposal is not consistent with the Provincial Policy Statement;
 - (ii) The proposal does not comply with the vision of the Urban Hamilton Official Plan as the applications do not ensure appropriate and orderly development and are considered premature as the Fruitland-Winona Secondary Plan is currently under appeal and before the Ontario Municipal Board; and,

- (iii) The proposal is considered premature as the Block Servicing Strategy required by the Fruitland-Winona Secondary Plan has not been completed to demonstrate how the lands can be developed appropriately in a coordinated and integrated fashion and not impact other developments in the Fruitland-Winona Secondary Plan area.

CARRIED

6. Business Licensing By-law 07-170 – Review and Rewrite - Building Exterior Cleaners (Schedule 5) - Mobile Homes and Mobile Home Parks (Schedule 10) - Sign Posters and Bill Distributors, Etc. (Schedule 24) (PED16075) (City Wide) (Item 7.1)

(Conley/Skelly)

That the Business Licensing By-law 07-170 be amended in accordance with the draft By-law attached as Appendix “A” to Report PED16075, which has been prepared in a form satisfactory to the City Solicitor, by deleting the following licensing categories:

- (a) Building Exterior Cleaners (Schedule 5);
- (b) Mobile Homes and Mobile Home Parks (Schedule 10);
- (c) Sign Poster and Bill Distributors, Etc. (Schedule 24).

CARRIED

7. Pool Enclosure By-law (PED13126(c)) (City Wide) (Item 8.1)

(Farr/Conley)

That the By-law respecting the Pool Enclosure By-law, attached as Appendix “A” to Report PED13126(c), be enacted.

CARRIED

8. Strathcona Secondary Plan, Appeal to the Ontario Municipal Board, Proposed Settlement of Appeal by 117692 Ontario Ltd. (c/o Agostino Mandarino) of UHOPA No. 11,(LS16009/PED16102)(Ward 1) (Item 12.1)

(Partridge/Pearson)

That the recommendations contained in Report LS16009/PED16102 respecting Strathcona Secondary Plan, Appeal to the Ontario Municipal Board, Proposed Settlement of Appeal by 117692 Ontario Ltd. (c/o Agostino Mandarino) of UHOPA No. 11 be approved and remain confidential until Council approval.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

- 6.1(i) Lakewood Beach Community Council respecting Application for Approval of a Draft Plan of Condominium (Common Element) by Urban Solutions Planning and Land Development Consultants Inc. for Lands Located at 98 Shoreview Place, Stoney Creek (PED16076) (Ward 10)
- 6.2(i) Michael Casnji, 14 Honeysuckle Crescent, Hamilton respecting Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12)
- 6.2(ii) Bernice and Lynne Simpson, 22 Honeysuckle, Hamilton respecting Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12)
- 6.4(i) Nora Jamieson, Watershed Planner, Hamilton Conservation Authority respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11).
- 6.4(ii) Lillian and Reno Cortiula, 223 McNeilly Road, Stoney Creek, respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)
- 6.4(iii) Gary and Cindy Carr, 250½ Fruitland Road, Stoney Creek, respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)
- 6.4(iv) Arden Semper, Branthaven Homes Fruitland Inc., the applicant for the Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)
- 6.4(v) Ward Councillor Brenda Johnson, respecting Applications for Amendments to the Urban Hamilton Official Plan and the City of

Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288
Glover Road, Stoney Creek (PED16084) (Ward 11)

(Collins/Conley)

That the agenda for the April 5, 2016 meeting be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

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

(i) March 22, 2016 Meeting (Item 3.1)

(A. Johnson/Pasuta)

That the Minutes of the March 22, 2016 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Green/Collins)

That the following delegation request be approved:

- (i) John Ariens, representing Habitat for Humanity wishing to attend when the staff report regarding waiving the applicable planning fees for charities and not-for-profit organizations is on the agenda. (For future meeting.) (Item 4.1)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Application for Approval of a Draft Plan of Condominium (Common Element) by Urban Solutions Planning and Land Development Consultants Inc. for Lands Located at 98 Shoreview Place, Stoney Creek (PED16076) (Ward 10) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson 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 (Common Element) 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

6.1(i) Lakewood Beach Community Council

(Collins/Green)

That the added written comments from Lakewood Beach Community Council be received.

CARRIED

No members of the public came forward.

(Conley/Pasuta)

That the public meeting be closed.

CARRIED

(Conley/Pasuta)

That the staff presentation be waived.

CARRIED

Katie Rainho of UrbanSolutions, representing the owner, was in attendance and addressed Committee with respect to the Draft Plan of Common Element which she illustrated with the use of a slide and indicated that they have reviewed the written comments received from Lakeview Community Council.

(Collins/Skelly)

That the agent's presentation be received.

CARRIED

For disposition of this matter refer to Item 2.

(ii) Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson 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, Draft Plan of Subdivision and 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.

Written Comments

6.2(i) Michael Casnji, 14 Honeysuckle Crescent, Hamilton

6.2(ii) Bernice and Lynne Simpson, 22 Honeysuckle Crescent

(Conley/A, Johnson)

That the added written comments Items 6.2(i) and 6.2(ii) be received.

CARRIED

Daniel Barnett, 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. He responded to questions from Committee.

(A. Johnson/Conley)

That the staff presentation be received.

CARRIED

Joe DiCienzo the applicant was in attendance in the event Committee had any questions.

Registered Speaker

1. Lynne Simpson, 22 Honeysuckle Crescent

Lynne Simpson addressed Committee on behalf of herself and her mother, Bernice Simpson, and her comments included but were not limited to the following:

- Expressed concerns that her previous comments submitted in 2012 were not included with the staff Report;
- Many maple and walnut trees have been removed;
- How will the old walnut tree located at 1263 Mohawk Road be protected?
- The proposed tiny lots will not be compatible with the area;
- Six (6) units will be too many for the area – four (4) units would be better;
- Concerned with the loss of privacy, the height of the houses to be constructed, the effect on drainage with respect to their property and the property values;
- Requested that the developer be required to build a fence;
- Wants to receive copies of any information regarding this item.

(A. Johnson/Collins)

That the delegation be received.

CARRIED

(Partridge/Green)

That the public meeting be closed.

CARRIED

Staff responded to questions and a discussion followed. The Ward Councillor was in attendance and spoke to this issue.

(Partridge/Conley)

- (a) That Condition 15(f) of the “Conditions of Draft Plan Approval”, as outlined in Appendix “D” and Condition 3(f) of the “Special Conditions of Draft Plan of Condominium Approval”, as outlined in Appendix “E”, be amended by requiring that the fence be a visual barrier fence;
- (b) That the Ward Councillor be apprised of the drainage issues prior to Council approval.

CARRIED

For disposition of this matter refer to Item 3.

(iii) Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 120 and 128 Portia Drive (Ancaster) (PED16083) (Ward 12) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson 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 and Zoning By-law amendments 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 one from the public came forward.

(Pasuta/Conley)

That the staff presentation be waived.

CARRIED

(Pasuta/Conley)

That the public meeting be closed.

CARRIED

Matt Johnston of UrbanSolutions provided an overview of the application with the aid of a PowerPoint presentation and some proposed

amendments to the report. A copy is available for viewing on the City's website.

(Partridge/A. Johnson)

That the agent's presentation be received.

CARRIED

Staff responded to questions from Committee.

(Pasuta/A. Johnson)

(a) That staff be directed to amend Appendix "B" to permit non-select food retail uses with no maximum gross floor area, and to remove supermarket, grocery store and / or food stores from the list of prohibited uses and allow them as a permitted use up to a maximum of 750 square metres.

(b) That staff also be directed to amend Appendix "C" to allow for Business and Professional Offices with no restrictions on location; to remove from the list of restricted uses "Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s)" and add it to the list of permitted uses; to remove the cap on Non-Select Food Retail; and, to remove supermarket, grocery store and / or food stores from the list of prohibited uses and allow them as a permitted use up to a maximum of 750 square metres.

CARRIED

For disposition of this matter refer to Item 4.

(iv) Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson 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 and Zoning By-law amendments 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 Correspondence

6.4(i) Nora Jamieson, Watershed Planner, Hamilton Conservation Authority

- 6.4(ii) Lillian and Reno Cortiula, 223 McNeilly Road, Stoney Creek,
- 6.4(iii) Gary and Cindy Carr, 250½ Fruitland Road, Stoney Creek
- 6.4(iv) Arden Semper, Branthaven Homes Fruitland Inc., the applicant.
- 6.4(v) Ward Councillor Brenda Johnson

(Conley/Skelly)

That the added written comments Items 6.1(i) to 6.4(v) be received.

CARRIED

Delia McPhail, Planner, provided an overview of the Report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(Collins/Green)

That the staff presentation be received.

CARRIED

Speaker

1. Daniela Giannini, 8 Willow Lane

Daniela Giannini addressed Committee and her comments included but were not limited to the following:

- The proposal is not compatible with the homes in the area which are mostly older bungalows;
- The plans are not clear – some houses are three storey, some are two storey;
- She is not opposed to the development but wants the Ontario Municipal Board to look at the big picture before approval; otherwise, this would be setting a precedence;
- Property values will be affected;
- The proposal includes 17 visitor parking spots for 77 condos;
- The visitors will park on the side streets;
- Concerned with flooding.

2. Kim Asworth, 268 Christina Avenue

Kim Asworth addressed Committee and her comments included but were not limited to the following:

- She is concerned with parking on her street which is very narrow;
- A number of seniors live on the street and they need access and egress to their homes;

- Parking on the street would create a huge problem.

3. Bob Wachnuik, 297 Christina

Bob Wachnuik addressed Committee and his comments included but were not limited to the following:

- Concerned with drainage;
- If the road is to exit onto Barton Street, will a stop sign or traffic light be installed?
- His property backs onto the site of the proposed development, a chain link fence is there now, will the chain link fence remain?

(A. Johnson/Conley)

That the delegations be received.

CARRIED

Committee noted that a representative of the landowner/applicant was in attendance.

The Vice Chair relinquished to the Chair to 2nd Vice Chair A. Johnson in order to speak to this issue. She referred to the comments which Committee received from Ward Councillor B. Johnson and as she is the Councillor for the neighbouring Ward she indicated that she is aware of the history and the issues of the area and agrees that the application is premature.

Vice Chair Pearson assumed the Chair.

For disposition of this matter refer to Item 5.

(f) PUBLIC NOTICE (Item 7)

(i) Business Licensing By-law 07-170 – Review and Rewrite - Building Exterior Cleaners (Schedule 5) - Mobile Homes and Mobile Home Parks (Schedule 10) - Sign Posters and Bill Distributors, Etc. (Schedule 24) (PED16075) (City Wide) (7.1)

The Committee Clerk advised no one had registered to speak regarding this Item.

No one from the public came forward.

For disposition of this matter refer to Item 6.

(g) DISCUSSION ITEMS (Item 8)

(i) Pool Enclosure By-law (PED13126(c)) (City Wide) (Item 8.1)

Jorge Caetano provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. Copies of the hand-out were distributed and a copy has been retained for the official record.

(Conley/Green)

That the staff presentation be received.

CARRIED

Registered Speaker

1. Robert Wood, Pool & Hot Tub Council of Canada (Approved March 22, 2016)

Robert Wood, member and Markus Brunner, President of the Pool and Hot Tub Council of Canada addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website and copies of the hand-out were distributed.

A hand-out addressed to the Planning Committee from the Pool & Hot Tub Council of Canada and another hand-out entitled "A Model Residential Pool Enclosure By-law for Canadian Municipalities" were distributed.

The speakers expressed their opinion that a four sided fence is not the only answer. There are other safe guards and an important component is education. In their opinion, families should have the option to choose which layer of protection they wish to implement. They are willing to work with the City of Hamilton to educate families.

Copies of the presentation and hand-outs are available for viewing on the City's website.

(Farr/A. Johnson)

That the delegation be received.

CARRIED

(Partridge/Pasuta)

That the proposed Pool Enclosure By-law attached as Appendix "A" to Report PED13126(c) be amended by changing the requirement of a four sided fence enclosure to the requirement of an enclosure around the

backyard, as per the existing pool enclosure by-law, and that the balance of the provisions outlined in the proposed by-law be enacted.

DEFEATED

For disposition of this matter refer to Item 7.

Councillors Partridge, Pasuta and Skelly indicated that they wished to be recorded as OPPOSED to this Item.

(h) MOTIONS

(i) Status of Food Truck Industry in Hamilton

(Collins/Farr)

That staff report back on the status of the food truck industry in Hamilton regarding, the number of trucks and any issues with the City's By-laws that may need to be addressed.

CARRIED

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

(i) Outstanding Business List (Item 11.1)

(A, Johnson/Green)

(a) That the following Item be removed:

Item "I" - Pool Enclosure By-law (PED13126(a)) (City Wide). (Item 8.1 on this agenda).

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Item without moving into Closed Session:

- (i) Strathcona Secondary Plan, Appeal to the Ontario Municipal Board, Proposed Settlement of Appeal by 117692 Ontario Ltd. (c/o Agostino Mandarino) of UHOPA No. 11,(LS16009/PED16102)(Ward 1) (Distributed under separate cover.) (Item 12.1)

For disposition of this matter refer to Item 8.

(k) ADJOURNMENT (Item 13)

(A. Johnson/Skelly)

There being no further business, that the Planning Committee be adjourned at 1:03 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Vice Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk