



## **PLANNING COMMITTEE**

### **REPORT 16-019**

**9:30 a.m.**

**Tuesday, November 1, 2016**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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<b>Present:</b>	Councillors B. Johnson (Chair), M. Pearson (1 <sup>st</sup> Vice Chair), and A. Johnson (2nd Vice Chair) Councillors J. Farr, C. Collins, D. Conley, M. Green, D. Skelly and J. Partridge.
<b>Absent with regrets:</b>	Councillor R. Pasuta, Personal

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### **THE PLANNING COMMITTEE PRESENTS REPORT 16-019 AND RESPECTFULLY RECOMMENDS:**

**1. Pilot Project Regarding Illegal Businesses in the Rural Area of Ward 11 (PED16207) (Ward 11) (Outstanding Business List Item) (Item 5.1)**

That Report PED16207 respecting Pilot Project Regarding Illegal Businesses in the Rural Area of Ward 11, be received.

**2. Business Licensing Audit Update (City Wide) (PED13037(d)) (Outstanding Business List Item) (Item 5.2)**

That Report PED13037(d) respecting Business Licensing Audit Update, be received.

**3. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 151 Highway No. 8, Flamborough (PED16204) (Ward 14) (Item 6.1)**

That approval be given to Zoning By-law Amendment Application ZAR-16-036 by Charles Webster (Owner), for a further modification to the Settlement Commercial (S2, 79) Zone to recognize the existing legal non-conforming single detached dwelling and associated home business within an attached garage and

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the location of the legally permitted contractor's building (Block 1), and for a change in zoning from the Settlement Commercial (S2, 79) Zone to the Settlement Residential (S1) Zone to permit the development of a single detached dwelling (Block 2), on lands located at 151 Highway No. 8, Flamborough, as shown on Appendix "A" to Report PED16204, on the following basis:

- (a) That the draft implementing By-law, attached as Appendix "B" to Report PED16204, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the Amending By-law, attached as Appendix "B" to Report PED16204, be added to Map No. 106 of Zoning By-law No. 05-200;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms to the Greenbelt Plan, and complies with the Rural Hamilton Official Plan;
- (d) That the proposal is considered to be compatible with the existing and planned development in the Greensville Settlement Area;
- (e) That there were no submissions received from the public.**

**4. Proposed Zoning By-law Amendment Application (ZAC-16-018) for Property Located at 61 Clapham Road, Hamilton (PED16201) (Ward 5) (Item 6.2)**

- (a) That Amended Zoning By-law Amendment Application ZAC-16-018, by LaCaban Developments Inc., Owner, for a change in zoning from the "DE-2/S-48A" (Multiple Dwellings) District, Modified to the "RT-30/S-1738-'H'" (Street Townhouse) District Holding, Modified in order to permit five street townhouse units for lands located at 61 Clapham Road (Hamilton), as shown on Appendix "A" to Report PED16201, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED16201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the amending By-law, attached as Appendix "B" to Report PED16201, be added to District Map No. E105 of Zoning By-law No. 6593;
  - (iii) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed Zoning;

The Holding provision “RT-30/S-1738-‘H’” (Street Townhouse) District, Holding, Modified, be removed conditional upon:

- (1) an updated Functional Servicing Report to address storm water management and site servicing prior to Site Plan Approval and agree in writing to implement the Functional Servicing Report through an External Works Agreement and all financial requirements to the satisfaction of the Manager of Engineering Approvals;
- (iv) Acknowledgement by the City of Hamilton that there shall be no cost sharing for this development for the extension of municipal sewers;
- (v) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and complies with the Urban Hamilton Official Plan (UHOP);
- (b) That the Greenford Neighbourhood Plan be amended by changing the designation from “Medium Density Apartments” to “Attached Housing”;
- (c) That the submissions received regarding this matter affected the decision by supporting the granting of the application.

**5. Rezoning of the Lands of the Royal Botanical Gardens (Item 9.1)**

WHEREAS, the City of Hamilton adopted new parks and open space zoning in 2006;

WHEREAS, the lands owned by the Royal Botanical Gardens (RBG) are designated as Open Space in the City of Hamilton Urban Official Plan but were not included in the 2006 parks and open space zoning;

WHEREAS, the long term intent is to incorporate the RBG lands into the parks and open space zoning;

WHEREAS, the parks and open space zoning permits a botanical gardens which includes the passive and accessory uses on the RBG lands; and

WHEREAS, it is appropriate to proceed with the inclusion of the RBG lands in the parks and open space zoning to allow for the continued use of the RBG lands for passive and tourism related uses;

THEREFORE BE IT RESOLVED:

- (a) That the Royal Botanical Gardens (RBG) be requested to submit a rezoning application to incorporate the RBG lands into the parks and open space zoning;
- (b) That the RBG be exempted from the fee for making a rezoning application to implement the new comprehensive zoning work plan applicable to the RBG lands, and that the costs of the application fee, not to exceed \$11,000, be funded from the Tax Stabilization Reserve Account #110046.

**6. Refund of Minor Variance Application Fees for Residential Properties in the Airport Employment Growth District (AEGD) (Item 9.2)**

WHEREAS, the Airport Employment Growth District (AEGD) is planned to accommodate industrial and employment growth to 2031;

WHEREAS, the existing properties within the AEGD were zoned to permit industrial and employment uses consistent with the Council approved vision for the AEGD which resulted in the existing residential uses becoming Legal Non-Conforming;

WHEREAS, there are approximately 250 residential dwellings within the AEGD that cannot be converted for industrial and employment type uses until municipal water, wastewater and storm water sewers are available to service the lands;

WHEREAS a building permit cannot be issued unless the use complies with the Zoning By-law which does not allow for the existing residential uses to proceed with any additions, alterations or amenities such as pools without first obtaining a variance from the Committee of Adjustment to permit the expansion or alternation of the Legal Non-Conforming residential use prior to obtaining a building permit; and

WHEREAS this creates an unnecessary financial burden on the existing residents who cannot improve their residential property or develop the property for industrial and employment uses until full municipal services are available;

THEREFORE BE IT RESOLVED:

That staff be directed to refund, upon written request of the owner, the City of Hamilton's required Minor Variance application fee for the expansion or alteration to **a legal non-conforming** residential property **to permit an accessory use** in the Airport Employment Growth District (AEGD) where the application is supported by City of Hamilton Planning Staff and approved by the Committee of Adjustment, effective June 1<sup>st</sup>, 2016 for a 24 month period, to be funded from the Tax Stabilization Reserve Account #110046.

**FOR INFORMATION:**

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

The Committee Clerk advised of the following changes:

**ADDED DELEGATION REQUEST**

- 4.2 Shannon Kyles, wishing to attend at the next meeting to request that Council reconsider its decision to demolish Parkside Secondary School in Dundas.

**CHANGE TO GENERAL INFORMATION/OTHER BUSINESS**

The following outstanding business list Item is amended:

**(c) ~~Item to be referred to the General Issues Committee:~~**

Item "I" - Redevelopment of a City Owned Surface Parking Lot;  
Staff to circulate all City-owned surface parking lots identified in  
Report PED16104 for potential surplus.  
New due date: November 15, 2016

The agenda for the November 1, 2016 meeting was approved as amended.

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

There were none declared.

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

**(i) October 18, 2016 (Item 3.1)**

The Minutes of the October 18, 2016 meeting were approved.

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

The following delegation requests were approved:

- (i) Murray Sauchuk, City of Hamilton resident to request a change to the times allowed for construction and loading activities pursuant to the City's Noise Control By-law 11-285 (For a future meeting.) (Item 4.1)
- (ii) Shannon Kyles, wishing to attend at the next meeting to request that Council reconsider its decision to demolish Parkside Secondary School in Dundas. (Added Item 4.2)

**(e) PUBLIC HEARING (Item 6)**

**(i) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 151 Highway No. 8, Flamborough (PED16204) (Ward 14) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson 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.

No member of the public came forward.

The staff presentation was waived.

Staff advised that an e-mail has been received from Joe Lakatos of A.J. Lakatos Planning Consultant, representing the owner, advising that he was unable to attend the meeting but that he and his client are in support of the staff report. A copy of the e-mail has been retained for the public record.

The public meeting was closed.

The staff recommendations were amended by adding the following subsection (e):

(e) That there were no submissions received from the public.

For disposition of this matter refer to Item 3.

**(ii) Proposed Zoning By-law Amendment Application (ZAC-16-018) for Property Located at 61 Clapham Road, Hamilton (PED16201)(Ward 5) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson 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.

No member of the public came forward.

The staff presentation was waived.

Kyle Khadra, representing the owner, was in attendance and asked to address Committee. He indicated that they had requested a different set back for the garage. They requested a setback of 5.5 metres for the garage and a setback of 4.5 metres for the front yard of the house. However, if Committee did not agree, they would accept the setbacks as indicated in the staff report.

The agent's comments were received.

The public meeting was closed.

The staff recommendations were amended by adding the following subsection (c):

- (c) That the comments received regarding this matter affected the decision by supporting the granting of the application.

For disposition of this matter refer to Item 4.

**(f) MOTIONS**

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

**(i) Refund of Minor Variance Application Fees for Residential Properties in the Airport Employment Growth District (AEGD) (Item 9.2)**

Subsection (a) was amended by inserting the words "legal non-conforming" before the word "residential" and the words "to permit an accessory use" after the word "property" to read as follows:

- (a) That staff be directed to refund, upon written request of the owner, the City of Hamilton's required Minor Variance application fee for the expansion or alteration to **a legal non-conforming residential property to permit an accessory use** in the Airport Employment Growth District (AEGD) where the application is supported by City of Hamilton Planning Staff and approved by the Committee of Adjustment, effective June 1<sup>st</sup>, 2016 for a 24 month period, to be funded from the Tax Stabilization Reserve Account #110046;

Committee also approved subsection (b):

- (b) That staff report back to the Planning Committee on the number of applications with an assessment as to whether or not the refund program should be continued in December, 2017.

For further disposition of this matter, refer to Item 6.

Chair B. Johnson assumed the Chair.

**(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

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

- (a) The following new due dates were approved, as amended:

Item "E" - (OMB) Decision re: 121 Augusta Street, staff to report back with a comprehensive review of RCF's in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code.

Due Date: November 1, 2016

Proposed New Due Date: April 4, 2017

Item "I" - Redevelopment of a City Owned Surface Parking Lot; Staff to circulate all City-owned surface parking lots identified in Report PED16104 for potential surplus.

New due date: **November 15, 2016**

Item "O" - Staff to report back on Feasibility of Licensing Cats in Urban area

Due Date: November 1, 2016

Proposed New Due Date: November 15, 2016

- (b) The following Items were removed:

Item Z(ii) - Staff to report back with terms of reference including key performance measures and expectations before initiating the pilot program to proactively enforce illegal businesses in the agricultural areas of Ward 11. (Item 5.1 on this agenda.)

Item "R" - Item Staff to report back re: the Business Licensing Audit Review Update PED13037(c) regarding whether the revenues justify the requirement of the FTE (Item 8.1 on this agenda.)



**(h) PRIVATE AND CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes of the October 18, 2016 meeting. (Item 12.1)**

- (a) The Closed Session Minutes of the October 18, 2016 meeting were approved:
- (b) The Closed Session Minutes of the October 18, 2016 meeting are to remain private and confidential and restricted from public disclosure.

**(i) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 10:05 a.m.

Respectfully submitted,

Councillor B. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk