



PLANNING COMMITTEE

MINUTES 17-006

9:30 a.m.

Tuesday, April 4, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with regrets: Councillor R. Pasuta, Sick Leave

Also present: Councillor L. Ferguson

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Application to Amend the Glanbrook Zoning By-law No. 464 for Lands Located at 3079 Homestead Drive (Glanbrook) (PED17051) (Ward 11) (Item 6.1)

(B. Johnson/Conley)

(a) That Amended Zoning By-law Amendment Application ZAC-14-018 by Peace-N-Heaven Inc., (Owner), for a change in zoning from the Existing Residential "ER" Zone to the General Commercial "C3-303" Zone, Modified, in order to permit the development of a two-storey building with general commercial uses on the ground floor and medical offices on the second floor, for lands located at 3079 Homestead Drive (Glanbrook), as shown on Appendix "A" to Report PED17051, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED17051, 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 Schedule "F" of the Township of Glanbrook Zoning By-law No. 464.
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

(b) *That there were no submissions received regarding this matter.*

Main Motion as Amended CARRIED

2. Applications to Amend Glanbrook Zoning By-law No. 464 and for Approval of a Draft Plan of Subdivision known as “9890 & 9906 Twenty Road West” (Glanbrook) (PED17052) (Ward 11) (Item 6.2)

(B. Johnson/Partridge)

- (a) That Amended Zoning By-law Amendment Application ZAC-16-011 by 2171433 Ontario Inc., (Tony Barletta, Owner), for a change in zoning from the Existing Residential “ER” Zone to the Residential “R4-302” Zone, Modified for lands located at 9890 & 9906 Twenty Road West (Glanbrook), as shown on Appendix “A” to Report PED17052, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17052, 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 Schedule “F” of the Township of Glanbrook Zoning By-law No. 464.
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.
- (b) That Redline Revised Draft Plan of Subdivision Application 25T-201603 by 2171433 Ontario Inc., (Tony Barletta, Owner), to establish a Draft Plan of Subdivision known as “9890 & 9906 Twenty Road West” to establish eight lots for single detached dwellings, on lands known as 9890 & 9906 Twenty Road West (Glanbrook), as shown on Appendix “A” to Report PED17052, be APPROVED subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision “9890 & 9906 Twenty Road West” 25T-201603, prepared by Urbex Engineering, and certified by S. D. McLaren, O.L.S., dated October 22, 2015, showing eight lots for single detached dwellings (Lots 1-8) 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” to Report PED17052.
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;

With regards to lots 1 to 8 (Single Detached Residential) will require a parkland dedication at a rate of 5%.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by council;

- (iii) The City of Hamilton will not cost share with the owner with respect to this development;

(c) *That the submissions received regarding this matter did not affect the decision.*

Main motion as Amended CARRIED

3. Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (TABLED March 21, 2017) (Item 8.1)

(Collins/A. Johnson)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-016, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner), for OPA No. XX, to redesignate a portion of the subject lands municipally known as 130 Dalley Drive from "General Open Space" to "Medium Density Residential 2" in the Ancaster Wilson Street Secondary Plan; and to redesignate the lands municipally known as 125 Wilson Street East from "Low Density Residential 3" to "Medium Density Residential 2", and to add a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a three storey multiple dwelling with a maximum of 19 units to be developed at a maximum density of 91 units per hectare, on the lands as shown on Appendix "A" to Report PED17037, be DENIED for the following reasons:

- (i) The proposed density and lot coverage will result in a development with unacceptable scale, massing, and intensity for the site;
- (ii) The proposed reduction in the front yard setback, in combination with the reduced road widening requirement, does not allow for the opportunity for short term stopping such as for delivery trucks or D.A.R.T.S.;
- (iii) The proposed reduction in side yard setback is significant;
- (iv) The proposed development is out of character for the area;

- (b) That Zoning By-law Amendment Application ZAC-16-040, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner), for a change in zoning from the General Commercial "C3-655" Zone, Modified and a portion of the Public Open Space "O2" Zone to the

Multiple Residential “RM6-685” Zone, Modified, in order to permit a three storey multiple dwelling with a maximum of 19 units with 38 parking spaces, for lands located at 125 Wilson Street East and 130 Dalley Drive, as shown on Appendix “A” to Report PED17037 be DENIED based on the following reasons:

- (i) The proposed density and lot coverage will result in a development with unacceptable scale, massing, and intensity for the site;
 - (ii) The proposed reduction in the front yard setback, in combination with the reduced road widening requirement, does not allow for the opportunity for short term stopping such as for delivery trucks or D.A.R.T.S.;
 - (iii) The proposed reduction in side yard setback is significant;
 - (iv) The proposed development is out of character for the area;
- (c) That Amended Zoning By-law Amendment Application ZAC-16-040, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner), for a change in zoning from the Public Open Space “O2” Zone in the Town of Ancaster Zoning By-law 87-57 to the Conservation / Hazard (P5, 610) Zone, in the City of Hamilton Zoning By-law 05-200; for a portion of the lands known as 130 Dalley Drive, as shown on Appendix “A” to Report PED17037 be DENIED, based on the following reasons:
- (i) The proposed density and lot coverage will result in a development with unacceptable scale, massing, and intensity for the site;
 - (ii) The proposed reduction in the front yard setback, in combination with the reduced road widening requirement, does not allow for the opportunity for short term stopping such as for delivery trucks or D.A.R.T.S.;
 - (iii) The proposed reduction in side yard setback is significant;
 - (iv) The proposed development is out of character for the area;
- (d) ***That the submissions received regarding this matter supported the denial of these applications.***

Main Motion as Amended CARRIED

4. Hamilton Municipal Heritage Committee Report 17-002 (Item 8.2)

(B. Johnson/A. Johnson)

- (a) Heritage Conservation Districts and the Gore (PED17061) (Ward 2) (Item 8.1) (Attached hereto as Appendix “A”)**

That Report PED17061, respecting Heritage Conservation Districts and the Gore, be received.

(b) Recommendation to Designate 2042 Jerseyville Road West, Ancaster (The Kelly House) Under Part IV of the *Ontario Heritage Act* (PED17050) (Ward 14) (Item 8.2)

- (i) That the designation of 2042 Jerseyville Road West, Ancaster shown in Appendix “B” to Hamilton Municipal Heritage Report 17-002, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be APPROVED;
- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “C” to Hamilton Municipal Heritage Report 17-002, be APPROVED; and,
- (iii) That the City Clerk be directed to take appropriate action to designate 2042 Jerseyville Road West, Ancaster under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED17050.

(c) Heritage Permit Application HP2017-002, under Part V of the *Ontario Heritage Act*, for the Replacement of a Mudroom, Windows, and Front Yard Stone Fence and the Installation of a Half Crescent Driveway at 31 Cross Street, Dundas (PED17055) (Ward 13) (Item 8.4) (Attached hereto as Appendix “D”)

That Heritage Permit Application HP2017-002, for the replacement of the mudroom, windows, and front stone fence and the installation of a half crescent driveway at 31 Cross Street, Dundas, be **approved** subject to the following conditions:

- (i) That the request to replace the wooden windows with vinyl windows be excluded from the scope of work;
- (ii) That the final driveway cobblestone paver shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (iii) That the stone wall spanning the frontage of the property be rebuilt to replicate the original stone wall with wrought iron fence as per the 1896 photograph attached in Appendix “D” to Hamilton Municipal Heritage Report 17-002, and that samples of the stone and the final design of the wrought iron fence be submitted to the satisfaction of the Director of Planning and Chief Planner;

- (iv) That should removal of the hedge along the stone wall require replacement as part of rebuilding the stone wall with wrought iron fence, that the replacement hedge be approved by the Director of Planning and Chief Planner;
 - (v) That the road cut required for the half crescent driveway be subject to the approval of the Director of Engineering Services, Public Works Department, prior to commencement of any alteration;
 - (vi) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
 - (vii) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than March 31, 2019; and
 - (viii) If the alteration(s) are not completed by March 31, 2019, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.
- (d) Cultural Heritage Impact Assessment respecting 43-51 King Street East, Hamilton (Former Kresge Building) (Added Item 8.8)**

That the Cultural Heritage Impact Assessment respecting 43-51 King Street East, Hamilton (Former Kresge Building), be received.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUESTS

- 4.4 Emily Roukhkian, Smart REIT, to appeal the decision of the Planning Director to deny Sign Variance Application SV-16-015 for property located at 502 Centennial Parkway North, Hamilton (For future meeting.)
- 4.5 Herman Turkstra, Harbour West Neighbours Inc., respecting entertainment on outdoor commercial patios report (For future meeting.) (Copy attached.)

- 4.6 Glenn Wellings or Tim Bullock, Wellings Planning Consultants Inc./Simpson Wigle LLP, to speak to Item 8.2, The Hamilton Municipal Heritage Committee Report specifically Recommendation No. 1, the proposal to nominate Gore Park and the surrounding buildings a Heritage Conservation District. (For today's meeting.) (Copy attached.)
- 4.7 Gordon Speirs, 106 Mansfield Drive, Ancaster respecting Item 8.1, Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (For today's meeting.) (Copy attached.)
- 4.8 Nancy Frieday and David Premi, Wellings Planning Consultants Inc. and Premi Architects, agents representing the applicant, respecting Item 8.1, Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (For today's meeting.)
- 4.9 Carol Hoblyn, respecting the entertainment on the outdoor commercial patios report (For future meeting.)

2. ADDED CORRESPONDENCE

- 8.1(i) Nancy Frieday of Wellings Planning Consultants Inc., agents for Sonoma Homes Inc. the applicant for Item 8.1, Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037).
- 8.1(ii) Sara Hickey, Fogler, Rubinoff LLP, solicitors for 1892610 Ontario Inc., the owner of lands located at 144 Wilson Street regarding Item 8.1 the Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037)

(Conley/Partridge)

That the agenda for the April 4, 2017 meeting be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) March 21, 2017 (Item 3.1)

(A. Johnson/Skelly)

That the Minutes of the March 21, 2017 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Skelly/B. Johnson)

(a) That the following delegation requests be approved for a future meeting:

- (i) Glen Brown, Hamilton Musician Media, respecting entertainment on outdoor commercial patios. (Item 4.1)
- (ii) Jeffrey Martin & Madeline Wilson, Hamilton Music Industry Working Committee respecting entertainment on outdoor commercial patios. (Item 4.2)
- (iii) Lou Molinaro, Live Music Venue Alliance respecting entertainment on outdoor commercial patios. (Item 4.3)
- (iv) Emily Roukhkian, Smart REIT, to appeal the decision of the Planning Director to deny Sign Variance Application SV-16-015 for property located at 502 Centennial Parkway North, Hamilton (Added Item 4.4)
- (v) Herman Turkstra, Harbour West Neighbours Inc., respecting entertainment on outdoor commercial patios report (Added Item 4.5)
- (vi) Carol Hoblyn, respecting the entertainment on the outdoor commercial patios report (Added Item 4.9)

(b) That the following delegation requests be approved for today's meeting:

- (i) Glenn Wellings or Tim Bullock, Wellings Planning Consultants Inc./Simpson Wigle LLP, to speak to Item 8.2, The Hamilton Municipal Heritage Committee Report specifically Recommendation No. 1, the proposal that Gore Park and surrounding buildings be nominated as a Heritage Conservation District. (Added Item 4.6)
- (ii) Gordon Speirs, 106 Mansfield Drive, Ancaster respecting Item 8.1, Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (Added Item 4.7)

- (iii) Nancy Frieday and David Premi, Wellings Planning Consultants Inc. and Premi Architects, agents representing the applicant, respecting Item 8.1, Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (Added Item 4.8)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) **Application to Amend the Glanbrook Zoning By-law No. 464 for Lands Located at 3079 Homestead Drive (Glanbrook) (PED17051) (Ward 11) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, 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 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 members of the public came forward.

(B. Johnson/Conley)

That the staff presentation be waived.

CARRIED

Amalesh Chakraborty from Mechatrosoft Inc., representing the applicant was in attendance to assist Committee and advised that they are in support of the staff report.

(B. Johnson/Conley)

That the public meeting be closed.

CARRIED

(B. Johnson/Conley)

That the recommendations be amended by adding the following subsection (b):

- (b) *That there were no submissions received regarding this matter.***

Amendment CARRIED

For disposition of this matter, refer to Item 1.

- (ii) **Applications to Amend Glanbrook Zoning By-law No. 464 and for Approval of a Draft Plan of Subdivision known as “9890 & 9906 Twenty Road West” (Glanbrook) (PED17052) (Ward 11) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, 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 Subdivision 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.

(B. Johnson/Partridge)

That the public meeting be closed.

CARRIED

(B. Johnson/Partridge)

That the staff presentation be waived.

CARRIED

(B. Johnson/Partridge)

That the recommendations be amended by adding the following subsection (c):

- (c) *That the submissions received regarding this matter did not affect the decision.***

Amendment CARRIED

For disposition of this matter, refer to Item 2.

(f) DISCUSSION (8)

- (i) **Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (TABLED March 21, 2017) (Item 8.1)**

(A. Johnson/Skelly)

That Report PED17037 respecting Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) be LIFTED from the TABLE.

CARRIED

Added Correspondence

- (i) Nancy Frieday of Wellings Planning Consultants Inc., agents for Sonoma Homes Inc. the applicant for this proposal. (Added 8.1(i))
- (ii) Sara Hickey, Fogler, Rubinoff LLP, solicitors for 1892610 Ontario Inc., the owner of lands located at 144 Wilson Street (Added 8.1(ii))

(Skelly/A. Johnson)

That the added correspondence be received.

CARRIED

Delegations

1. Gordon Speirs, 106 Mansfield Drive, Ancaster

Gordon Speirs addressed Committee and a hand-out was distributed and is available for viewing on the City's website. He outlined his concerns with this proposal.

(Partridge/Green)

That the delegation be received.

CARRIED

2. Nancy Frieday and David Premi, Wellings Planning Consultants Inc. and Premi Architects, agents representing the applicant.

Nancy Frieday, agent for the applicant, addressed Committee with the aid of a PowerPoint presentation and provided further information regarding the proposal.

(A. Johnson/Skelly)

That the delegation be received.

CARRIED

Ward Councillor Ferguson was in attendance and expressed his concerns regarding this Item.

(Collins/A. Johnson)

That the applications be denied and the following be added as subsection (d):

- (d) *That the submissions received regarding this matter supported the denial of these applications.***

Amendment CARRIED

Chair Pearson indicated that she wished to be recorded as OPPOSED to the denial.

For disposition of this matter refer to Item 3.

(ii) **Hamilton Municipal Heritage Committee Report 17-002 (Item 8.2)**

1. **Designation of the Gore District as a Heritage Conservation District**

Delegation

1. **Tim Bullock, Wellings Planning Consultants Inc./Simpson Wige LLP**

Tim Bullock addressed Committee representing his client, Hughson Business Space Corporation, the owner of 18 to 22 and 24 to 28 King Street East and asked that if the City goes forward with the proposal to nominate Gore Park and the surrounding buildings for a Heritage Conservation District Designation, that his client's buildings be excluded.

(A. Johnson/Skelly)

That the delegation be received.

CARRIED

(A. Johnson/B. Johnson)

That Item 1 of Hamilton Municipal Heritage Committee Report 17-002 be amended by adding the following preamble:

WHEREAS "The Gore" (including the Park and surrounding buildings) would meet the criteria for a Heritage Conservation District under Part V of the Ontario Heritage Act;

WHEREAS Heritage Conservation Districts, as established by the Province of Ontario, seek a healthy balance of conservation and sympathetic development;

WHEREAS the City of Hamilton currently has seven heritage conservation districts and has previously identified Gore Park as "a cultural heritage landscape";

WHEREAS "The Gore" is a rare example of a downtown commercial district with unique heritage character. The significance of "The Gore's" cultural heritage value extends beyond individual buildings, structures and landscapes, and contributes to creating a sense of place, as the enduring historic heart of our community; and,

WHEREAS it would be fitting to mark Canada's sesquicentennial year by designating the place where a First Nations trail and a European grid pattern came together;

THEREFORE BE IT RESOLVED:

Amendment LOST

(Farr/Collins)

- (a) That staff review and report back on any past resolutions of Council and/or any past or ongoing engagement between the Hamilton Municipal Heritage Committee and the property owners' surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with an Heritage Conservation District;
- (b) That staff include in their report the merits of a Heritage Conservation District relative to the heritage protections that already exist for the Gore, including implications on resourcing, and cost.

CARRIED

For disposition of the balance of the Items of the Hamilton Municipal Heritage Committee Report 17-002 refer to Item 4.

(f) NOTICES OF MOTION (10)

Councillor Collins introduced the following Notice of Motion on behalf of Councillor Green who left the meeting:

(i) Refund of Minor Variance in the Beach Road Neighbourhood (Added 10.1)

WHEREAS, the City of Hamilton provided for a Refund for Minor Variance pilot program within Airport Employment Growth District passed at the Planning Committee meeting on November 1, 2016 and ratified by Council on November 9, 2016;

WHEREAS, the Beach Road area was historically planned to accommodate industrial growth and contains legal non-confirming residential housing;

WHEREAS, the existing residential properties within the Beach Road neighbourhood were zoned to permit industrial and employment uses consistent with the light industrial zoning;

WHEREAS, there are residential dwellings within the Beach Road neighbourhood that cannot be converted for industrial and employment type uses;

WHEREAS, the desired use of industrial is not feasible until servicing is in place so the current uses have to continue despite the zoning;

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 porches, decks, sheds, or additions 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,

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to report back on the feasibility of including an 'as of right' amendment to the bylaw, or the cost associated with a refund, upon written request of the owner, of 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 Beach Road neighbourhood where the application is supported by the City of Hamilton Planning Staff and approved by the Committee of Adjustment, effective April 1st, 2017 for a 24 month period, and to report back on possible funding sources including but not limited to the Tax Stabilization Reserve;
- (b) That staff report back to the Planning Committee in December, 2017, on the number of applications and assessment as to whether or not the refund program should be continued.

(g) ADJOURNMENT (Item 13)

(Collins/Skelly)

There being no further business, that the Planning Committee be adjourned at 11:17 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk