



PLANNING COMMITTEE

MINUTES 17-007

9:30 a.m.

Tuesday, April 18, 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. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED17068) (Item 5.1)**

(Skelly/A. Johnson)

That Report PED17068 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications be received.

CARRIED

- 2. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 128 and 134 Wilson Street West (Ancaster) (Ward 12) (PED17054) (Item 6.1)**

(Partridge/A. Johnson)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-15, by Urban Solutions (Agent) on behalf of 128 Ownership Group (Bruce Gabel and Letitia Fluit, Owner) and 1356671 Ontario Inc. (Chris Thompson, Owner), for OPA No. **XX**, to redesignate the lands municipally known as 128 and 134 Wilson Street West (Ancaster) from "Medium Density Residential 2" to "Mixed Use Medium Density" in the Ancaster Wilson Street Secondary Plan; and to add a site specific policy in the Ancaster Wilson Street Secondary Plan to permit business and professional offices only within the existing dwellings, as shown on Appendix "A" to Report PED17054, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17054, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to Growth Plan for the Greater Golden Horseshoe.
- (b) That Zoning By-law Amendment Application ZAC-16-039, by Urban Solutions (Agent) on behalf of 128 Ownership Group and 1356671 Ontario Inc. (Owners), for a change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-686” Zone, Modified and “ER-687” Zone, Modified, to permit business and professional offices within the existing dwellings and to include site-specific performance standards regarding parking, landscaping and front yard setbacks for the lands known as 128 and 134 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED17054, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED17054, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) ***That the submissions received regarding this matter did not affect the decision.***

Main motion as Amended CARRIED

3. Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9) (Item 7.1)

(Conley/B. Johnson)

- (a) ***That the Ministry of the Environment and Climate Change be advised that the City of Hamilton opposes the application made by Terrapure Environmental to increase the capacity of their landfill located at the northwest corner of Mud Street and Upper Centennial Parkway;***
- (b) That the Staff comments submitted to the Ministry of Environment and Climate Change on March 10, 2017 outlining the City’s comments respecting the “Stoney Creek Regional Facility Environmental Assessment – Proposed Terms of Reference, February 8, 2017”, attached as Appendix “A” to Report PED16184(a), be endorsed;

- (c) That the City Clerk's Office be authorized and directed to forward Report PED16184(a) to the Ministry of Environment and Climate Change and this Report is considered the City of Hamilton's formal comments on the second phase of the "Stoney Creek Regional Facility Environmental Assessment – Proposed Terms of Reference, February 8, 2017".

Main Motion as Amended CARRIED

4. Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law (PED16155(b)) (City Wide) (Outstanding Business List Item) (Item 8.1)

(Farr/Partridge)

- (a) That Report PED16155(b) respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law, be received;

- (b) *That the letter dated January 13, 2017 submitted by Mark L. Castel, Professional Corporation of Dundas, attached as Appendix "A" to Report PED16155(b), be included with the staff report regarding the Commercial Mixed Use Zoning By-law review which will be presented to Committee in June, 2017;*

- (c) *That the written comments submitted by Herman Turkstra on January 31, 2017 attached as Appendix "A" to Report PED16155(b) be referred for consideration with Item 8.2 respecting (PED16155(a)).*

Main Motion as Amended CARRIED

5. Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law (PED16155(a)) (City Wide) (Outstanding Business List Item) (Item 8.2)

(Farr/Green)

- (a) That approval be given to City Initiative 16-C to establish Temporary Use By-laws for a period of 24 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for seven pilot project areas: Downtown Hamilton, James Street North, Augusta Street, Hess Village, West Harbour area, Downtown Dundas, parts of Upper James Street (Stone Church to Rymal Road); and some properties within the Rural area identified in Appendices "A" to "A-2", on the following basis:

- (i) *That Schedules A2, A18, A19, A20 and A8 to Appendix "A" (By-law No. 05-200) to Report PED16155(a) respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law be amended by:*

- (1) *deleting the following properties:*

revocation of an outdoor commercial patio exemption permit where live entertainment or recorded music is provided, on the following basis;

- (i) That the draft amending By-law to the Noise Control By-law No.11-285, ***as amended, attached as Appendix "F" to Report 17-007*** which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (ii) That a new application fee of **\$500** for outdoor commercial patio exemption permits under the Noise Control By-law be approved and added to the User Fees and Charges By-law;
- (iii) That Municipal Law Enforcement (MLE) staff be directed to undertake an enforcement pilot program for the duration of the Temporary-Use By-law approved in City Initiative 16-C, to administer and enforce the Outdoor Commercial Patio exemption permits under the Noise Control By-law and monitor related activity levels;
- (iv) That staff, at the conclusion of the pilot project, analyze the data and evaluate the results to determine if the actions and initiatives met the goals and objectives of the project for a final report to the Planning Committee;
- (v) ***That Municipal Law Enforcement (MLE) staff be directed to introduce a public comment component and residents guide into the Noise Control By-law exemption process.***

Main Motion as Amended CARRIED

6. Sign Variance Application SV-16-015 for the property known as 502 Centennial Parkway North, Hamilton, Denied by the Director of Planning and Chief Planner and Appealed by the Applicant (PED17069) (Ward 5) (Item 8.3)

(Collins/Skelly)

That the Sign Variance Application SV-16-015, by Confederation Park Shopping Centre Ltd., Owner, to permit a double sided multi-purpose LED digital Ground Sign for the property located at 502 Centennial Parkway North, Hamilton, as shown on Appendix "A" to Report PED17069, be approved.

CARRIED

7. Business Licensing By-law 07-170 – Review and Replacement of Kennels and Pet Shops (Schedule 7) (PED17072) (City Wide) (Item 8.4)

(Skelly/Collins)

That the Business Licensing By-law 07-170 be amended by replacing Kennels and Pet Shops (Schedule 7) in accordance with the amending by-law, attached as Appendix “A” to Report PED17072, which has been prepared in a form satisfactory to the City Solicitor.

CARRIED

8. Proposed Acquisition of Identified Property in Ward 11 (Added 12.1)

(B. Johnson/Collins)

That the recommendations regarding the Proposed Acquisition of Identified Property in Ward 11 be approved and remain private and confidential until Council approval.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUESTS

- 4.1 Blair Shoniker, GHD, respecting Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9), for today’s meeting
- 4.2 Michael Jovanovic, Terrapure Environmental Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9), for today’s meeting

2. ADDED WRITTEN CORRESPONDENCE

- 6.1(a) Written comments from Barbra Dimen respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 128 and 134 Wilson Street West (Ancaster) (Ward 12) (PED17054)
- 7.1(a) Written comments from Blair Shoniker to City staff respecting Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9)

- 7.1(b) Written comments from City staff to Blair Shoniker respecting Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9)

3. ADDED PRIVATE AND CONFIDENTIAL

- 12.1 Proposed Acquisition of Identified Property in Ward 11 (To be distributed in Closed Session)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

(B. Johnson/A. Johnson)

That the agenda for the April 18, 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) April 4, 2017 (Item 3.1)

(Collins/Skelly)

That the Minutes of the April 4, 2017 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(B. Johnson/Collins)

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

- (i) Blair Shoniker, GHD, respecting Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9) (Added 4.1)
- (ii) Michael Jovanovic, Terrapure Environmental Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9) (Added 4.2)

CARRIED

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

(i) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 128 and 134 Wilson Street West (Ancaster) (Ward 12) (PED17054) (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 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 members of the public came forward.

(Partridge/Skelly)

That the staff presentation be waived.

CARRIED

Matt Johnston of UrbanSolutions Development Consultants., representing the applicant was in attendance to assist Committee and advised that they are in support of the staff report.

(Partridge/A. Johnson)

That the public meeting be closed.

CARRIED

Ward Councillor L. Ferguson was in attendance and indicated that he is in support of this proposal.

(Partridge/A. Johnson)

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) PRESENTATION (Item 7)

- (i) Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9) (Item 7.1)**

Eniber Cabrera, Planner, addressed Committee with the aid of a PowerPoint presentation. Copies of the hand-out were distributed. A copy has been retained for the official record and is available for viewing on the City's website.

(Conley/B. Johnson)

That the staff presentation be received.

CARRIED

Delegations

1 Blair Shoniker, GHD Engineering Consultant

He addressed Committee and indicated that he is a Senior Environmental Planner with GHD. He responded to some of the concerns expressed by Members of the Committee and the community.

2. Michael Jovanovic, Terrapure Environmental

Michael Jovanovic addressed Committee and thanked the City for their professionalism during this process. He referred to the number of options which Terrapure Environmental is prepared to present regarding the EA process.

(Conley/Green)

That the delegations be received.

CARRIED

(Conley/B. Johnson)

That the recommendations be amended by adding the following new subsection (a) and the balance be re-lettered accordingly:

- (a) The Ministry of the Environment and Climate Change be advised that the City of Hamilton opposes the application made by Terrapure Environmental to increase the capacity of their landfill located at the northwest corner of Mud Street and Upper Centennial Parkway.

Amendment CARRIED

For disposition of this matter refer to Item 3.

(g) DISCUSSION (8)

- (i) Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law (PED16155(b)) (City Wide) (Item 8.1)**

(Farr/Partridge)

- (a) That Report PED16155(b) respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law be received;
- (b) That the letter dated January 13, 2017 submitted by Mark L. Castel, Professional Corporation of Dundas, attached as Appendix “A” to Report PED16155(b), be included with the staff report regarding the Commercial Mixed Use Zoning By-law review which will be presented to Committee in June, 2017.

CARRIED

(B. Johnson/Partridge)

That the written comments submitted by Herman Turkstra on January 31, 2017 attached as Appendix “A” to Report PED16155(b) be referred for consideration with Item 8.2 respecting (PED16155(a)).

CARRIED

For disposition of this matter refer to Item 4.

- (ii) Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law (PED16155(a)) (City Wide) (TABLED January 17, 2017) (Item 8.2)**

(B. Johnson/Partridge)

That Report PED16155(a) respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law be LIFTED from the TABLE.

CARRIED

Robert Ustrzycki, Senior Project Manager addressed Committee and provided an overview and explanation of the details regarding this matter.

(A. Johnson/Farr)

That the staff overview be received.

CARRIED

Delegations

1. Glen Brown, Hamilton Musician Media

Glen Brown addressed Committee and read from a prepared statement copies of which were distributed. A copy has been retained for the public record and is available for viewing on the City's website.

(Farr/Green)

That the delegation be received.

CARRIED

2. Jeffrey Martin & Madeline Wilson, Hamilton Music Industry Working Committee.

Madeline Wilson addressed Committee and indicated that she is the Co-chair of the Hamilton Music Industry Working Committee. She read from a prepared statement which included five recommendations and a copy has been submitted for the public record and is available for viewing on the City's website.

(Farr/Collins)

That the delegation be received.

CARRIED

3. Lou Molinaro, Live Music Venue Alliance

Lou Molinaro was not in attendance.

4. Herman Turkstra, Harbour West Neighbours Inc.

Herman Turkstra addressed Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed. A copy has been retained for the public record and is available for viewing on the City's website. Herman Turkstra also used a sound system to provide an example of 60 decimals.

(Skelly/B. Johnson)

That the delegation be received.

CARRIED

5. Carol Hoblyn, North End Resident.

Carol Hoblyn addressed Committee and indicated that she is a resident on Jones Street North and read from a prepared statement. A copy has been submitted for the public record and is

available for viewing on the City's website. She expressed concerns with the proposed new by-law.

(Partridge/Green)

That the delegation be received.

CARRIED

(Partridge/B. Johnson)

That Schedules A2, A18, A19, A20 and A8 to Appendix "A" (By-law No. 05-200) to Report PED16155(a) respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law be amended by:

- (a) deleting the following properties:
 - (i) 268 and 276 Carlisle Road (Schedule A2), attached as Appendix "A" to this Motion;
 - (ii) 166 Green Mountain Road (Schedule A18), attached as Appendix "B" to this Motion;
- (b) adding the following properties:
 - (i) 8453 Airport Road (Southern Pines Golf Course as a new Schedule A18, attached as Appendix "B" to this Motion;
 - (ii) 1386 Cooper Road (African Lion Safari) as a new Schedule A19, attached as Appendix "C" to this Motion;
 - (iii) 532 Westover Road (Century Pines Golf Course) as a new Schedule A20, attached as Appendix "D" to this Motion.
- (c) changing the Copetown Woods golf course's address from 1450-1472 2nd Concession Rd W to 1430 2nd Concession Rd W (Schedule A8).
- (d) That in accordance with Subsection 34(10) of the *Planning Act*, no additional public meeting notice is required.

Amendment CARRIED

(Farr/A. Johnson)

That Item 8.2 respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law (PED16155(a)) (City Wide) be amended as follows:

- (a) That Schedule "A2" to Appendix "A-1" to Report PED16155(a) (Zoning By-law No. 6593 - Augusta Street area) be deleted and replaced with the attached amended "A2";

- (b) That in accordance with Subsection 34(10) of the *Planning Act* no additional public meeting notice is required;
- (c) That Subsection (b) be amended by:
 - (i) replacing the draft amending By-law to the Noise Control By-law No. 11-285, attached as Appendix “B” to Report PED16155(a), with the draft by-law attached hereto as Appendix “B”;
 - (ii) amending subsection (ii) by deleting the amount of \$300 and inserting the amount of \$500 therein;
 - (iii) adding the following Subsection (v):
 - (v) That Municipal Law Enforcement (MLE) staff be directed to introduce a public comment component and residents guide into the Noise Control By-law exemption process.

Amendment CARRIED

Chair Pearson and Councillors B. Johnson and Collins indicated that they wished to be recorded as OPPOSED to this Item.

For disposition of this matter refer to Item 5.

(ii) Sign Variance Application SV-16-015 for the property known as 502 Centennial Parkway North, Hamilton, Denied by the Director of Planning and Chief Planner and Appealed by the Applicant (PED17069) (Ward 5) (Item 8.3)

Committee approved the sign variance application without the appellant needing to address Committee.

For disposition of this matter refer to Item 6.

(iii) Business Licensing By-law 07-170 – Review and Replacement of Kennels and Pet Shops (Schedule 7) (PED17072) (City Wide) (Item 8.4)

No member of the public came forward regarding this matter.

For disposition of this Report refer to Item 7.

(h) **MOTIONS (Item 9)**

(i) **Refund of Minor Variance Fee in the Beach Road Neighbourhood (Added 9.1)**

(Green/B. Johnson)

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, **McNeilly Road and Margaret Avenue** neighbourhoods where the application is supported by the City of Hamilton Planning Staff 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, 2019, on the number of applications and assessment as to whether or not the refund program should be continued.

CARRIED

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

- (i) Outstanding Business List (Item 11.1)

(Skelly/B. Johnson)

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

Item "Q" - Report back with Terms of Reference for Community Energy Plan (i.e. renewable such as solar energy)

Due Date: April 18, 2017

New Due Date: October 31, 2017

- (d) That the following Items be removed:

Item "II" - Entertainment on Outdoor Commercial Patios – Zoning By-law and Noise By-law (PED16155(a)) TABLED to allow consultation with Councillors (Items 8.1 & 8.2)

Item "DD" - Letter from Minister Chris Ballard regarding the *Promoting Affordable Housing Act* referred to the E&CS Committee and the GM of Planning and Economic Development to report on the Planning implications to the Planning Committee

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

- (i) **Proposed Acquisition of Identified Property in Ward 11**

Committee approved this matter without moving into Closed Session.

For disposition of this matter refer to Item 8.

(k) ADJOURNMENT (Item 13)

(B. Johnson/Green)

There being no further business, that the Planning Committee be adjourned at 1:05 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk