



PLANNING COMMITTEE

MINUTES 17-010

9:30 a.m.

Tuesday, June 6, 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

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Rental Housing Sub-Committee Report 17-002 (Item 5.1)

(a) Selection of Chair (Item A)

(A. Johnson/Skelly)

That Councillor T. Whitehead be appointed as Chair of the Rental Housing Sub-Committee for the remainder of the 2014-2018 Term of Council.

CARRIED

2. Monitoring Agreement for Grace Christian School, 497 Millgrove Side Road (PED17107/LS17020) (Ward 15) (Item 5.2)

(Partridge/B. Johnson)

(a) That the Mayor and City Clerk be authorized to execute a Monitoring Agreement, with regard to Site Plan Application DA-15-085, substantially in the form attached as Appendix "A" to Report PED17107/LS17020, with content acceptable to the City Solicitor and the Director of Planning;

(b) That prior to registration of the Monitoring Agreement, the Owner shall post the financial securities required thereunder to the satisfaction of the Director of Planning and Chief Planner.

CARRIED

3. Application for a Change in Zoning for Lands Located at 1405, 1439, and 1447 Upper Ottawa Street (Hamilton) (PED17075) (Ward 6)) (Item 6.1)

(B. Johnson/Skelly)

- (a) That Amended Zoning By-law Amendment Application ZAC-16-047, by Wilson – Blanchard Management (c/o Robert Miles, Owner), for a modification to the “M-11” (Prestige Industrial) District, in order to permit a variety of commercial uses in an existing plaza containing 22 commercial rental units, for lands located at 1405 Upper Ottawa Street (Hamilton), as shown on Appendix “A” to Report PED17075 be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17075, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED17075, be added to Sheet No. “E59c” of the District Maps of City of Hamilton Zoning By-law No. 6593;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan; and,
 - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan.
- (b) That Amended Zoning By-law Amendment Application ZAC-16-047, by Wilson – Blanchard Management (c/o Robert Miles, Owner), for a further modification to the Business Park Support (M4) Zone, for the lands located at 1439 Upper Ottawa Street and 1447 Upper Ottawa Street (Hamilton), as shown on Appendix “A” to Report PED17075, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED17075, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Places to Grow Plan; and,
 - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.
- (c) That upon finalization of the amendment to City of Hamilton Zoning By-law No. 6593 and No. 05-200, that the Rymal Neighbourhood Plan be

amended to redesignate 1439 and 1447 Upper Ottawa Street from "Restricted Commercial" to "Restricted Industrial / Commercial".

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

Main Motion, as Amended, CARRIED

4. Application for a Zoning By-law Amendment, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) (Item 6.2)

(Skelly/Collins)

(a) That Amended Zoning By-law Amendment Application ZAC-16-074 by Schlegal Villages Inc., Owners, for a change in zoning from the "AA" (Agricultural) District, in the City of Hamilton Zoning By-law No. 6593 to the Major Institutional (I3, 43) Zone, in the City of Hamilton Zoning By-law No. 05-200, to facilitate the expansion of a parking area for the adjacent nursing home onto the lands located at 389 Rymal Road East (Hamilton), as shown on Appendix "A" to Report PED17086, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED17086, which has 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 (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.

(b) That upon finalization of the amendment to City of Hamilton Zoning By-law No. 05-200, that the Barnstown Neighbourhood Plan be amended to re-designate 389 Rymal Road East from "Single and Double" to "Medium Density Apartments".

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

Main Motion, as Amended, CARRIED

5. Applications for a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road, Hamilton (PED17019) (Ward 5) (Item 6.3)

(Collins/Skelly)

(a) That Amended Zoning By-law Amendment Application ZAC-15-046, by WEBB Planning Consultants Inc., on behalf of Ridgecrest Estates Inc., Owner, for a modification to the Community Institutional "I2" Zone to permit residential development consisting of 192 street townhouse dwelling units and 18 semi detached dwelling units along a common

element road, and from the Community Institutional "I2" Zone to the Conservation / Hazard (P5) Zone to recognize Core Area features (Environmentally Sensitive Area (ESA) and Significant Woodland) and the associated vegetation protection zone and future storm water management pond for lands located at 50 Albright Road (Hamilton), as shown on Appendix "A" to Report PED17019, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED17019, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (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 comply with the Urban Hamilton Official Plan;
- (iii) That the amending By-law, attached as Appendix "B" to Report PED17019, be added to Map Nos. 1246 and 1299 of the City of Hamilton Zoning By-law No. 05-200;
- (iv) That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding additional Holding provisions as follows:

Notwithstanding Section 8.2 of this By-law, within the lands zoned Community Institutional (I2, 502) Zone, identified on Map Nos. 1246 and 1299 of Schedule "A" – Zoning Maps, and described as 50 Albright Road (Hamilton), no development greater than 139 dwelling units shall proceed until such time as:

- a. The Owner demonstrates that the existing 250mm sanitary sewer on Quigley Road can be adequately upsized to provide sufficient capacity for the remaining 71 dwelling units or adequately upgrades the sanitary sewer to meet the current City standards to the satisfaction of the Senior Director of Growth Management; and,
 - (v) That upon finalization of the implementing Zoning By-law, the Vincent Neighbourhood Plan be amended to change the land use designation from "Institutional" to "Attached Housing" (Blocks "1", "3", "4", and "6"), "Single and Double" (Block "5") and "Open Space" (Block "2"), as shown on Appendix "B" to Report PED17019.
- (b) That Revised Draft Plan of Subdivision Application 25T-201508, by WEBB Planning Consultants Inc., on behalf of Ridgecrest Estates Inc., Owner, to establish a Draft Plan of Subdivision for lands located at 50 Albright Road, Hamilton, as shown on Appendix "A" to Report PED17019, be APPROVED subject to the following conditions:

- (i) That this approval apply to Draft Plan of Subdivision 25T-201508, prepared by A.T. McLaren Limited, dated December 1, 2016, attached as Appendix “D” to Report PED17019, consisting of one (1) block for open space (Block 1) and one (1) block for 210 dwelling units (Block 2), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “C” to Report PED17019;
 - (ii) Acknowledgement by the City of Hamilton that there shall be no cost sharing within this development; and,
 - (iii) 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 of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the date of issuance of each building permit at the rate of 0.6 hectare per 300 units per hectare. All payment of cash-in-lieu will be in accordance with the financial Policies for Development and the City’s Parkland Dedication Bylaw, as approved by Council.
- (c) That Revised Draft Plan of Condominium Application 25CDM-201515 by WEBB Planning Consultants Inc., on behalf of Ridgecrest Estates Inc., Owner, to establish a Draft Plan of Condominium (Common Elements), known as “Ridgecrest Estates”, consisting of a condominium road, 63 visitor parking spaces, a storm water management pond and landscaped areas, on lands located at 50 Albright Road, Hamilton, as shown on Appendix “A” to Report PED17019, be APPROVED subject to the following conditions:
- (i) That this approval apply to Draft Plan of Condominium 25CDM-201515, prepared and certified by A.T. McLaren Limited, dated December 1, 2016, showing an 6 metre wide private condominium road with sidewalks, 63 visitors parking spaces, a storm water management pond, safety berm and fence, and landscaped areas labelled as “Common Elements”, attached as Appendix “F” to Report PED17019; and,
 - (ii) That the owner enters into a Standard Form Condominium Agreement, as approved by City Council, and with the special conditions attached as Appendix “E” to Report PED17019.
- (d) ***That the submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

6. Various Zoning By-law Amendments as they relate to Commercial and Mixed Use Zones (Item 6.4)

(a) 651 and 655 Upper James Street

(Skelly/Collins)

- (i) That staff be directed to amend the Urban Hamilton Official Plan by changing the designation of a portion of 651 and 655 Upper James Street from District Commercial to Mixed Use High Density to permit the future redevelopment of the subject lands known as Mountain Plaza, which includes a multi-storey residential building with retail at-grade; and,
- (ii) That staff be directed to amend Zoning By-law No. 05-200 by zoning a portion of lands located at 651 and 655 Upper James Street, identified on Map 1084 of Schedule "A" – Zoning Maps, as Mixed Use High Density (C4) Zone with a lot depth of approximately 157 meters along Fennel Avenue East, and approximately 70 meters in lot width along Upper James Street to permit the use of the subject lands for a proposed redevelopment, which includes a multi-storey residential building with a retail at-grade.

CARRIED

(b) 37-39 Cliff Avenue

(Skelly/Collins)

- (i) That staff be directed to amend the Urban Hamilton Official Plan by changing the designation of 37-39 Cliff Avenue from Neighbourhoods to Mixed Use Medium Density to permit the expansion of an existing Social Services Establishment and accessory Medical Clinic and Multiple Dwelling Units, and to restrict certain commercial uses from the Mixed Use Medium Density designation, in conjunction with an existing facility located at 569 Concession Street;
- (ii) That staff be directed to amend Zoning By-law No. 05-200 by zoning the lands at 37-39 Cliff Avenue and 569 Concession Street, identified on Maps 1040 and 1086, (attached as Appendix "A"), as Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, with a Special Exception to permit the use of the subject lands only for a Day Nursery; Dwelling Units in conjunction with a Commercial Use; Medical Clinic; Office; Personal Service; Social Services Establishment; and Studio.

CARRIED

(c) 1800 Upper James Street

(B. Johnson/Partridge)

- (i) That staff be directed to amend the Urban Hamilton Official Plan for the lands located at 1800 Upper James Street, as shown on Appendix "A" attached hereto, on the following basis:
- (1) That Schedules "B" and "B-4" be amended to revise the core area and the wetland features, in accordance with the 2016 mapping and limits study conducted by MNR as shown as Parcel B;
 - (2) That Schedule "E-1" be amended by redesignating Parcel "A" from "Open Space" to "Arterial Commercial"; and,
 - (3) That Schedule "E-1" be amended by redesignating Parcels "C" and "C-1" from "Open Space" to "Neighbourhoods";
- (ii) That staff be directed to amend Zoning By-law No. 05-200 for the lands located at No. 1800 Upper James Street, as shown on Appendix "A" attached hereto, on the following basis:
- (1) That Parcel "A" be zoned Arterial Commercial (C7) zone; and,
 - (2) That Parcel "B" be zoned Conservation/Hazard Land (P5) zones; and,
- (iii) That staff be directed to amend Zoning By-law No. 464 to rezone Parcels "C" and "C-1", as shown on Appendix "A" attached hereto, from Airport Related Commercial "C5-054" Zone to Deferred Development "DD" Zone, for future residential purposes.

CARRIED

(d) 2400 Highway 56

(B. Johnson/Partridge)

That staff incorporate the necessary zoning by-law changes in accordance with the submission by Armstrong Pet and Garden Centre for the lands located at 2400 Highway 56 in regards to the proposed requirement of a 4.0 metre set back from the road.

CARRIED

(e) 360 – 410 Lewis Road and 2411 Upper James

(B. Johnson/Partridge)

That staff incorporate the necessary zoning by-law changes, as outlined below, in accordance with the submission by UrbanSolutions for the lands located at:

(i) 360 – 410 Lewis Road - the addition of the following permitted uses:

- Commercial Recreation;
- Commercial Entertainment;
- Commercial School;
- Financial Establishment;
- Medical Clinic;
- Outdoor Commercial Patio;
- Place of Worship;
- Science and Technology Establishment;
- Studio; and,
- Veterinary Service.

(ii) 2411 Upper James - the addition of the following permitted use:

- Motor Vehicle Sales and Service Establishments

CARRIED

7. Business Licensing By-law 07-170 – Review and Replacement of Food Service Vehicles (Schedule 6) (PED17057) (City Wide) (Item 8.1)

(Collins/Green)

(a) That the Business Licensing By-law 07-170 be amended by replacing Food Service Vehicles (Schedule 6) with the draft By-law attached as Appendix “A” to Report PED17057, which has been prepared in a form satisfactory to the City Solicitor;

(b) That, subject to the approval of recommendation (a), the fire inspection fee of \$156 be removed as a requirement for Schedule 6;

(c) That, subject to the approval of recommendation (a), a four day licence fee of \$250 be approved and added to the User Fees and Charges By-law; and

(d) That, subject to the approval of recommendation (a), the parks project be made permanent and administered by the Licensing Division and a fee of \$200 for access to eight predetermined parks be approved and added to the User Fees and Charges By-law.

CARRIED

8. Hamilton Municipal Heritage Committee Report 17-004 (Item 8.2)

(Farr/Skelly)

(a) Heritage Permit Applications - Delegated Approvals

That the following Delegated Approvals for Heritage Permit Applications, be received:

- (i) Heritage Permit Application (HP2017-009), 27 Bold Street, Hamilton, Pasadena Apartments, By-law No. 86-170 (Ward 2)
- (ii) Heritage Permit Application (HP2017-010), 27 Bold Street, Hamilton, Pasadena Apartments, By-law No. 86-170 (Ward 2)
- (iii) Heritage Permit Application HP-2017-019, Installation of Fence, 1 Jones Street, Stoney Creek, Locust Lawn, By-Law 16-079 (Ward 9)

(b) Inventory and Research Working Group Meeting Notes – March 27, 2017

That 64 Hatt Street, Dundas be added to the City's Register of Properties of Cultural Heritage Value or Interest and that the property be added to staff's designation work plan for completion in 2025.

(c) Recommendation to Designate 13-15 Inglewood Drive, Hamilton Under Part IV of the *Ontario Heritage Act* (PED17090) (Ward 2)

- (i) That the designation of 13-15 Inglewood Drive, shown in Appendix "A" to Report PED17090, 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 "A" to Report 17-004, be APPROVED; and,
- (iii) That the City Clerk be directed to take appropriate action to designate 13-15 Inglewood Drive, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED17090.

(d) Durand Neighbourhood Built Heritage Inventory (PED17092) (Ward 2)

- (i) That the properties identified in Appendix "C", to Report 17-004, excluding 13-15 Inglewood Drive, **4 Ravenscliffe Avenue, 12 Ravenscliffe Avenue, 90 Duke Street, 75 Bold Street, and 93 Bold Street**, be added in the Register of Property of Cultural Heritage Value or Interest as non-designated property;

- (ii) That the Candidates for Designation under Part IV of the Ontario Heritage Act identified in Appendix “D”, to Report 17-004, excluding 13-15 Inglewood Drive, **12 Ravenscliffe Avenue and 95 Duke Street** be added to the Work Plan for Designation under Part IV of the Ontario Heritage Act Priorities, attached as Appendix “E”, to Report 17-004;
- (iii) ***That the Work Plan for Designation under Part IV of the Ontario Heritage Act, attached as Appendix “E” to Report 17-004, be amended by changing the completion date for 1 Duke Street from 2027 to 2034;***
- (iv) That staff be directed to prepare an annual Capital Budget Submission to address the work plan for designation under Part IV of the Ontario Heritage Act, to be brought forward to the Capital Budget deliberations yearly;
- (v) That the addition of 6, 12, 19 and 26 Ravenscliffe Avenue, Hamilton, to staff’s work plan for designation under Part IV of the Ontario Heritage Act be deferred until Heritage Resource Management staff have assessed the feasibility of conducting a heritage conservation district study of Ravenscliffe, and report findings to the Planning Committee;
- (vi) That, pursuant to Subsection 27(5) of the Ontario Heritage Act, Council requires that any notice of intention to demolish or remove any structure or building for a registered property on staff’s work plan for designation under Part IV of the Ontario Heritage Act, as amended by Council from time to time, include a Cultural Heritage Impact Assessment report prepared to the satisfaction and approval of the Director of Planning and Chief Planner;
- (vii) That Heritage Resource Management staff be directed to prepare a framework and work plan for continuing the proactive built heritage inventory work in the City of Hamilton and report back to Planning Committee in Q4 2017; and
- (viii) ***That the recommendations to add 4 Ravenscliffe Avenue, 12 Ravenscliffe Avenue, 90 Duke Street, 75 Bold Street and 93 Bold Street to the Register of Property of Cultural Heritage Value or Interest as non-designated property be referred to staff for further consultation with the owners.***

Main Motion, as Amended, CARRIED

9. To Shift the Cultural Heritage Assessment for 24 Main Street West (former Centenary United Church) to an Immediate Priority (Added Item 10.1)

(Farr/Partridge)

That the Cultural Heritage Assessment work for the purposes of considering designation under the *Ontario Heritage Act* for 24 Main Street West (former Centenary United Church), be reassigned to staff's work program for completion in 2017.

CARRIED

10. To Waive the Requirement for Road Widening and Daylight Triangle Dedications for 64 Main Street East (DA-17-064) (Added Item 10.2)

(Farr/Collins)

WHEREAS, the Planning Act and the Urban Hamilton Official Plan states that the City shall reserve or obtain daylight triangles, and road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings through Site Plan Approval;

WHEREAS, Council approved Official Plan Amendment No. 49 to provide for flexibility when assessing road and daylight triangle requirements for infill and redevelopment opportunities;

WHEREAS, Planning applications have been made for 15 Queen Street South (ZAC-17-004), 64 Main Street East (DA-17-064) and 210 Main Street East (DA-17-059);

WHEREAS, consistent with the intent of OPA No. 49, the applicants have requested that the City of Hamilton consider reduced road widening and daylight triangle requirements for each of these applications; and

WHEREAS, the City has approved vehicular lay-by parking on municipal right of ways within the downtown on Main Street East and Catherine Street North;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to waive the requirement for road widening and daylight triangle dedications for 64 Main Street East (DA-17-064);
- (b) That staff be directed to approve vehicular lay-by parking on Main Street East and Bowen Street for 64 Main Street East (DA-17-064) and on Queen Street South for 15 Queen Street South (ZAC-17-004);
- (c) That staff be directed to implement a reduced daylight triangle dedication of 5m by 5m for 15 Queen Street South (ZAC-17-004); and,

- (d) That staff be directed to implement a reduced daylight triangle dedication of 4.5m by 4.5m and waive the requirement for a road widening for 210 Main Street East (DA-17-059).

CARRIED

11. Existing and Non-Conforming Commercial Uses for properties located on Barton Street East from Centennial Parkway North to the Red Hill Valley Parkway, and Nash Road North from Barton Street North to Bancroft Street (Ward 5) (Added Item 10.3)

(Collins/Farr)

- (a) That staff be directed to recognize commercial uses (i.e. retail and commercial recreation) on properties along Barton Street East from Centennial Parkway North to the Red Hill Valley Parkway, and Nash Road North from Barton Street North to Bancroft Street, in accordance with Section F.1.12.8 of the Urban Hamilton Official Plan;
- (b) That staff be directed to inventory the existing commercial uses on the properties along Barton Street East from Centennial Parkway North to the Red Hill Valley Parkway, and Nash Road North from Barton Street North to Bancroft Street and modify the Zones under Hamilton Zoning By-law 05-200 as appropriate.

CARRIED

12. 288 Glover OMB Appeals (OPA and Rezoning) (LS17016/PED16084(a)) (Ward 11) (Item 12.2)

(B. Johnson/Conley)

- (a) That Report LS17016/PED16084(a) respecting 288 Glover OMB Appeals (OPA and Rezoning) remain private and confidential;
- (b) That the recommendations of Report LS17016/PED16084(a) respecting 288 Glover OMB Appeals (OPA and Rezoning) be approved and remain private and confidential until the approval of Council.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

- 1. CORRECTION TO ITEM 8.2 THE HAMILTON MUNICIPAL HERITAGE COMMITTEE REPORT 17-004**

There is an error in the numbering of the recommendations in the printed copies; there are four recommendations.

2. ADDED DELEGATION REQUESTS

- 4.1 Vanessa Hicks, MHBC Planning, respecting the Durand Built Heritage Inventory Project as it relates to the properties located at 90 Duke Street and 75 and 93 Bold Street. (Item 4 of Item 8.2 – The Hamilton Municipal Heritage Committee Report)
- 4.2 Reverend Ian Sloan, New Vision United Church, respecting added Item 10.1 – a notice of motion regarding the staff workplan for the designation of 24 Main Street West

3. ADDITIONS TO ITEM 6.4, THE CITY OF HAMILTON COMPREHENSIVE BY-LAW: PROPOSED COMMERCIAL AND MIXED USE ZONES (PED16100(b)) (WARDS 1-13, AND 15)

REGISTERED SPEAKERS

1. Tej Sandhu, MERIT Brewing Company, 107 James St North Hamilton
2. Paul Szostak, 1019 Wilson Street, Ancaster
3. Larry Murphy from Armstrong Pet and Garden Centre 2400 Highway 56, Binbrook
4. Sylvia Harris, Indwell Community Homes, 1430 Main St E, Hamilton
5. Ed Fothergill, Fothergill Planning & Development Inc., respecting Flamborough Power Centre
6. Katie Rauscher, UrbanSolutions, Planning & Land Development Consultants respecting 398 – 400 Nash Road & 30-54 Bancroft Street, 1800 Upper James Street, and 2411 Upper James Street.
7. Matt Johnston, UrbanSolutions, Planning & Land Development Consultants respecting 360 & 410 Lewis Road, Stoney Creek, 235 Main Street West, Hamilton and 1025 & 1069 Wilson Street West, Ancaster.
8. James Webb, WEBB Planning Consultants Inc. on behalf of The Effort Trust
9. Melissa Turtureanu, Mr. Lube Canada, respecting 615 Mohawk Road, Hamilton to request the removal of motor vehicle service stations from the drive-through definition.

10. Sarah Knoll, GSP Group Inc. and Emily Roukhkian, SmartREIT respecting various addresses.

WRITTEN COMMENTS

- 6.4(i) Ben Smuskowitz, President, Gazben Development regarding 1172 Wilson Street West, Ancaster
- 6.4(ii) Steve Devisser, 6 Cumberland Avenue, Hamilton
- 6.4(iii) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 398 – 400 Nash Road & 30 – 54 Bancroft Street, Hamilton
- 6.4(iv) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 1800 Upper James Street, Hamilton
- 6.4(v) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 2411 Upper James Street, Hamilton
- 6.4(vi) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 360 and 410 Lewis Road, Stoney Creek
- 6.4(vii) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 235 Main Street West, Hamilton
- 6.4(viii) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 1025 & 1069 Wilson Street West, Ancaster
- 6.4(ix) James Webb, of WEBB Planning Consultants Inc. on behalf of The Effort Trust Company
- 6.4(x) James Webb, of WEBB Planning Consultants Inc. on behalf of Waterdown Bay Limited, 392, 488 & 530 Dundas Street East, Waterdown
- 6.4(xi) James Webb, of WEBB Planning Consultants Inc. on behalf of DiCenzo Construction Company & Dicon Properties
- 6.4(xii) Sarah Knoll of GSP Group Inc. on behalf of New Horizon Development Group Inc.
- 6.4(xiii) Sarah Knoll of GSP Group Inc. on behalf of SmartREIT
- 6.4(xiv) Jonathan Rodger, Senior Associate, Zelinka Priamo Ltd. on behalf of Canadian Tire Real Estate Limited

- 6.4(xv) Terri Johns, President, T. Johns Consulting Group, on behalf of 300 - 310 Limeridge Road West, Hamilton
- 6.4(xvi) Terri Johns, President, T. Johns Consulting Group, on behalf of 2000 Garth Street, Glanbrook
- 6.4(xvii) Harry Froussios Senior Associate, Zelinka Priamo Ltd. on behalf of Choice Properties Real Estate Investment Trust and Loblaw Properties Limited
- 6.4(xviii) James Webb, of WEBB Planning Consultants Inc. on behalf of Parkside Hills Draft Approved Plan of Subdivision, 619 Centre Road, Waterdown
- 6.4(xix) Brenda Khes of GSP Group Inc. on behalf of Marz Homes, owners of 237 Upper Centennial Parkway
- 6.4(xx) UrbanSolutions, Planning & Land Development Consultants Inc., respecting Centurian Developments respecting 71 Main Street and 10 Baldwin Street, Dundas

4. ADDED WRITTEN COMMENTS TO ITEM 4 OF ITEM 8.2 HAMILTON MUNICIPAL HERITAGE COMMITTEE REPORT 17-004

- 8.2(i) Frank Pignoli, Scarfone Hawkins LLP, respecting Durand Neighbourhood Built Heritage Inventory Project, 1 Duke Street, Hamilton – Letter of Objection

5. ADDED NOTICE OF MOTION

- 10.1 To Shift the Cultural Heritage Assessment for 24 Main Street West (former Centenary United Church) to an Immediate Priority

(B. Johnson/Farr)

That the agenda for the June 6, 2017 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Chair Pearson and Councillor Green declared an interest with respect to Item 5.1 as they are owners of rental properties.

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

(i) May 16, 2017 (Item 3.1)

(Skelly/Collins)

That the Minutes of the May 16, 2017 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(B. Johnson/Partridge)

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

- (i) Vanessa Hicks, MHBC Planning, respecting the Durand Built Heritage Inventory Project as it relates to the properties located at 90 Duke Street and 75 and 93 Bold Street. (Item 4 of Item 8.2 – The Hamilton Municipal Heritage Committee Report) (Added Item 4.1)
- (ii) Reverend Ian Sloan, New Vision United Church, respecting added Item 10.1 – a notice of motion regarding the staff workplan for the designation of 24 Main Street West (Added Item 4.2)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) **Application for a Change in Zoning for Lands Located at 1405, 1439, and 1447 Upper Ottawa Street (Hamilton) (PED17075) (Ward 6) (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 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 members of the public came forward.

(B. Johnson/Skelly)

That the public meeting be closed.

CARRIED

Franz Kloibhofer of A. J. Clarke & Associates, representing the owner, was in attendance and indicated that they are in support of the staff report.

(B. Johnson/Skelly)

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

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

Amendment CARRIED

For disposition of this matter refer to Item 3.

(ii) Application for a Zoning By-law Amendment, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) (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 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,

(Skelly/A. Johnson)

That the public meeting be closed.

CARRIED

(A. Johnson/Collins)

That the staff presentation be waived.

CARRIED

Glenn Wellings of Wellings Planning Consultant Inc., representing the owner, was in attendance and indicated that they are in support of the staff report

(Skelly/Collins)

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 4.

(iii) Applications for a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements) for Lands Located at 50 Albright Road, Hamilton (PED17019) (Ward 5) (Item 6.3)

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 amendment, Draft Plan of Subdivision or Draft Plan of Condominium (Common Elements) 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,

(Collins/Skelly)

That the public meeting be closed.

CARRIED

(Collins/Farr)

That the staff presentation be waived.

CARRIED

James Webb of WEBB Planning Consultants Ltd., representing the owner, was in attendance and indicated that they are in support of the staff report

(Collins/Skelly)

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

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

Amendment CARRIED

For disposition of this matter refer to Item 5.

(iv) City of Hamilton Comprehensive By-law: Proposed Commercial and Mixed Use Zones (PED16100(b)) (Wards 1-13, and 15) (Item 6.4)

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.

Written Comments

- 6.4(i) Ben Smuskowitz, President, Gazben Development regarding 1172 Wilson Street West, Ancaster
- 6.4(ii) Steve Devisser, 6 Cumberland Avenue, Hamilton
- 6.4(iii) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 398 – 400 Nash Road & 30 – 54 Bancroft Street, Hamilton
- 6.4(iv) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 1800 Upper James Street, Hamilton
- 6.4(v) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 2411 Upper James Street, Hamilton
- 6.4(vi) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 360 and 410 Lewis Road, Stoney Creek
- 6.4(vii) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 235 Main Street West, Hamilton
- 6.4(viii) UrbanSolutions, Planning & Land Development Consultants Inc., respecting 1025 & 1069 Wilson Street West, Ancaster
- 6.4(ix) James Webb, of WEBB Planning Consultants Inc. on behalf of The Effort Trust Company
- 6.4(x) James Webb, of WEBB Planning Consultants Inc. on behalf of Waterdown Bay Limited, 392, 488 & 530 Dundas Street East, Waterdown
- 6.4(xi) James Webb, of WEBB Planning Consultants Inc. on behalf of DiCenzo Construction Company & Dicon Properties
- 6.4(xii) Sarah Knoll of GSP Group Inc. on behalf of New Horizon Development Group Inc.
- 6.4(xiii) Sarah Knoll of GSP Group Inc. on behalf of SmartREIT
- 6.4(xiv) Jonathan Rodger, Senior Associate, Zelinka Priamo Ltd. on behalf of Canadian Tire Real Estate Limited
- 6.4(xv) Terri Johns, President, T. Johns Consulting Group, on behalf of 300 - 310 Limeridge Road West, Hamilton

- 6.4(xvi) Terri Johns, President, T. Johns Consulting Group, on behalf of 2000 Garth Street, Glanbrook
- 6.4(xvii) Harry Froussios Senior Associate, Zelinka Priamo Ltd. on behalf of Choice Properties Real Estate Investment Trust and Loblaw Properties Limited
- 6.4(xviii) James Webb, of WEBB Planning Consultants Inc. on behalf of Parkside Hills Draft Approved Plan of Subdivision, 619 Centre Road, Waterdown
- 6.4(xix) Brenda Khes of GSP Group Inc. on behalf of Marz Homes, owners of 237 Upper Centennial Parkway
- 6.4(xx) UrbanSolutions, Planning & Land Development Consultants Inc., respecting Centurian Developments respecting 71 Main Street and 10 Baldwin Street, Dundas

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-law Reform and Timothy Lee, Planner, addressed Committee with the aid of a PowerPoint presentation to provide an overview of the report. A copy of the presentation is available for viewing on the City's website.

(Skelly/Conley)

That the staff presentation be received.

CARRIED

Registered Speakers

1. **Tej Sandhu, MERIT Brewing Company, 107 James St North Hamilton**

Tej Sandhu addressed Committee and spoke in support of the staff report and thanked staff for their work on this issue.

2. **Paul Szostak, 1019 Wilson Street, Ancaster**

Paul Szostak addressed Committee and indicated that he disagrees with the proposed zoning change on his property to a Commercial C7 as he believes that a Commercial C5 would be a more suitable designation.

3. **Larry Murphy from Armstrong Pet and Garden Centre**

Larry Murphy addressed Committee and expressed concerns with the proposed four metre setback on his property from the road.

4. Sylvia Harris, Indwell Community Homes, 1430 Main St E, Hamilton

Sylvia Harris addressed Committee with the aid of a PowerPoint presentation. She congratulated staff on the direction of this report. She expressed concerns with the proposed requirement to include 20 square metres of amenities space per residential unit. A copy of the presentation is available for viewing on the City's website.

5. Ed Fothergill, Fothergill Planning & Development Inc., respecting Flamborough Power Centre

Ed Fothergill addressed Committee on behalf of Flamborough Power Centre and presented a letter regarding this matter for the public record. He acknowledged that although some of the proposed provisions are an improvement, he expressed concerns that not all of the uses which exist today are found in the new proposed by-law. He requested that they be included. A copy of his letter is available for viewing on the City's website.

6. Katie Rauscher, UrbanSolutions, Planning & Land Development Consultants respecting 398 – 400 Nash Road & 30-54 Bancroft Street, 1800 Upper James Street, and 2411 Upper James Street.

Katie Rauscher addressed Committee and copies of her written comments regarding the properties at 398 – 400 Nash Road & 30-54 Bancroft Street, 1800 Upper James Street, and 2411 Upper James Street were distributed. Copies are also available for viewing on the City's website.

7. Matt Johnston, UrbanSolutions, Planning & Land Development Consultants respecting.

Matt Johnston addressed Committee regarding 360 & 410 Lewis Road, Stoney Creek, 235 Main Street West, Hamilton and 1025 & 1069 Wilson Street West, Ancaster. Correspondence regarding these properties was distributed and is available for viewing on the City's website.

8. James Webb, WEBB Planning Consultants Inc. on behalf of The Effort Trust

James Webb addressed Committee and he submitted a letter regarding this matter. Copies were distributed and a copy is

available for viewing on the City's website. He indicated that as The Effort Trust Company holds a significant number of properties they would like some additional time to review the proposed by-law to determine how the changes would affect their properties.

9. **Melissa Turtureanu, Mr. Lube Canada, respecting 615 Mohawk Road, Hamilton to request the removal of motor vehicle service stations from the drive-through definition.**

Melissa Turtureanu addressed Committee and requested that the 'drive through' definition in the proposed by-law not be applied to service stations, such as Mr. Lube, as is the case with drive through car wash establishments.

10. **Sarah Knoll, GSP Group Inc. and Emily Roukhkian, SmartREIT respecting various addresses.**

Sarah Knoll addressed Committee and was joined by Emily Roukhkian. She referred to the written comments which they provided. Copies were distributed and a copy is available for viewing on the City's website. The concerns of SmartReit include the proposed increased parking stall size and the requirement for landscaped parking islands.

11. **Ben Smuskowitz, President, Gazben Development regarding 1172 Wilson Street West, Ancaster.**

Ben Smuskowitz addressed Committee and referred to his written submission. Copies were distributed and a copy is available for viewing on the City's website. In his opinion, a Commercial C-4 zone is more suitable to the site than a Commercial C-7 zone.

12. **Miriam Cohen, 2289 Barton Street East**

Miriam Cohen addressed Committee and indicated that her concern is that without her knowledge her property has been rezoned as M6, Light Industrial, which has affected her ability to lease the property for the past two years.

(Collins/Skelly)

That the delegations be received.

CARRIED

(Conley/Green)

That public meeting be closed.

CARRIED

(Partridge/Green)

(a) That the written submissions be received; and

- (b) That Report PED16100(b) respecting City of Hamilton Comprehensive By-law: Proposed Commercial and Mixed Use Zones together with all the written submissions and input from the delegations received today be referred to staff for consideration and incorporation in a further report and amending by-laws to be presented to Committee by October, 2017.

CARRIED

For further disposition of this matter refer to Item 6.

(f) DISCUSSION (Item 8)

- (i) Business Licensing By-law 07-170 – Review and Replacement of Food Service Vehicles (Schedule 6) (PED17057) (City Wide) (Item 8.1)**

The Clerk advised that no one from the public registered to speak to this issue.

For disposition of this matter refer to Item 7.

- (ii) Hamilton Municipal Heritage Committee Report 17-004 (Item 8.2)**

- 1. Durand Neighbourhood Built Heritage Inventory (PED17092) (Ward 2) (Item 4)**

Written Submissions

- (i) Frank Pignoli, Scarfone Hawkins LLP, respecting Durand Neighbourhood Built Heritage Inventory Project, 1 Duke Street, Hamilton – Letter of Objection (Added 8.2(i))

(Green/Farr)

That the added written comments from Frank Pignoli of Scarfone Hawkins LLP, be received.

CARRIED

Delegation

- 1. Vanessa Hicks, MHBC Planning**

Vanessa Hicks of MHBC Planning addressed Committee, on behalf of the owners of 90 Duke Street and 75 and 93 Bold Street and requested that these properties be excluded from the list of properties to be considered for designation.

(Partridge/Green)

That the delegation be received.

CARRIED

(Farr/Skelly)

WHEREAS, 4 Ravenscliffe Avenue has been classified as a Character-Defining Resource of sufficient cultural heritage value to warrant listing on the Municipal Heritage Register;

WHEREAS, 12 Ravenscliffe Avenue has be classified as Significant Built Resource of sufficient cultural heritage value to warrant listing on the Municipal Heritage Register and further cultural heritage assessment work, and is recommended to be added to staff's designation work plan to be addressed in 2033;

WHEREAS, Recommendation 4(d) of HMHC Report 17-004 would defer the addition of 12 Ravenscliffe Avenue to staff's designation work plan until Heritage Resource Management staff have assessed the feasibility of conducting a heritage conservation district study of Ravenscliffe Avenue and report findings to the Planning Committee; and

WHEREAS, 95 Duke Street has been classified as a Significant Built Resource and will be added to the Municipal Heritage Register, as per Recommendation 4(a) of HMHC Report 17-004, to recognize its heritage value and to provide interim protection should demolition be proposed.

THEREFORE BE IT RESOLVED:

- (a) That 4 Ravenscliffe Avenue and 12 Ravenscliffe Avenue be deleted from the Municipal Heritage Register which is Appendix "C" to HMHC Report 17-004;
- (b) That 4 Ravenscliffe Avenue and 12 Ravenscliffe Avenue be referred to staff for further consultation with the property owners prior to reporting back to Planning Committee on the feasibility of studying Ravenscliffe Avenue as a heritage conservation district;
- (c) That 95 Duke Street be removed from staff's designation work plan, as identified in Appendix "D" and Appendix "E" of HMHC Report 17-004;
- (d) That the Work Plan for Designation under Part IV of the Ontario Heritage Act be further amended by changing the completion date for 1 Duke Street from 2027 to 2034;
- (e) That the recommendations to add 4 Ravenscliffe Avenue, 12 Ravenscliffe Avenue, 90 Duke Street, 75 Bold Street and 93 Bold Street to the Register of Property of Cultural Heritage Value or Interest as non-designated property be referred to staff for further consultation with the owners..

Amendment CARRIED

For disposition of this matter refer to Item 8(d).

(g) NOTICES OF MOTION (Item 10)

Councillor Farr introduced the following Notice of Motion:

- (i) To Shift the Cultural Heritage Assessment for 24 Main Street West (former Centenary United Church) to an Immediate Priority (Added Item 10.1)**

Delegation

1. Reverend Ian Sloan, New Vision United Church

Reverend Sloan addressed Committee with the aid of a PowerPoint presentation and copies of the hand out were distributed. A copy is available for viewing on the City's website. He spoke in support of Councillor Farr's motion to move the staff work plan heritage designation study as soon as possible.

(Collins/Farr)

That the rules of order be waived to allow the introduction of a motion to Shift the Cultural Heritage Assessment for 24 Main Street West (former Centenary United Church) to an Immediate Priority.

CARRIED

For disposition of this matter refer to Item 9.

Councillor Farr introduced the following Notice of Motion:

- (ii) To Waive the Requirement for Road Widening and Daylight Triangle Dedications for 64 Main Street East (DA-17-064) (Added Item 10.2)**

(Farr/Collins)

That the rules of order be waived in allow the introduction of a motion regarding Waiving the Requirement for Road Widening and Daylight Triangle Dedications for 64 Main Street East (DA-17-064).

CARRIED

For disposition of this matter refer to Item 10.

Councillor Collins introduced the following Notice of Motion:

- (iii) Existing and Non-Conforming Commercial Uses for properties located on Barton Street East from Centennial Parkway North to the Red Hill Valley Parkway, and Nash Road North from Barton Street North to Bancroft Street (Ward 5) (Added Item 10.3)**

(Collins/Skelly)

That the rules of order be waived to allow the introduction of a motion respecting Existing and Non-Conforming Commercial Uses for properties located on Barton Street East from Centennial Parkway North to the Red Hill Valley Parkway, and Nash Road North from Barton Street North to Bancroft Street

CARRIED

For disposition of this matter refer to Item 11.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Items without moving into Closed Session:

(i) Private and Confidential Minutes of the May 16, 2017 meeting (Item 12.1)

(B. Johnson/Partridge)

- (a) That the Private and Confidential Minutes of the May 16, 2017 meeting be approved;
- (b) That the Private and Confidential Minutes of the May 16, 2017 meeting remain private and confidential and restricted from public disclosure.

CARRIED

(ii) 288 Glover OMB Appeals (OPA and Rezoning) (LS17016/PED16084(a)) (Ward 11) (Item 12.2)

For disposition of this matter refer to Item 12.

(i) ADJOURNMENT (Item 13)

(A. Johnson/Skelly)

That, there being no further business, the Planning Committee be adjourned at 12:51 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk