



PLANNING COMMITTEE

REPORT 17-011

9:30 a.m.

Tuesday, June 20, 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

Also present: Councillors T. Jackson and L. Ferguson

Absent with regrets: Councillor R. Pasuta, Sick Leave

THE PLANNING COMMITTEE PRESENTS REPORT 17-011 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED17091) (City Wide) (Item 5.1)

That Report PED17091 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at the rear portion of 688 Stone Church Road East (Block “1”) and 22 Pathfinder Court (Block “2”) (Hamilton) (PED17094) (Ward 7) (Item 6.1)

- (a) That Zoning By-law Amendment Application ZAR-17-021, by The Taha Group of Companies Inc (owners), for a change in zoning from the “AA” (Agricultural) District and “C/S-1560” (Urban Protected Residential, etc.) District, Modified to the “C/S-1749” (Urban Protected Residential, etc.) District, Modified, for the lands located at the rear portion of 688 Stone Church Road East (Block “1”), and 22 Pathfinder Court (Block “2”), Hamilton as shown on Appendix “A” to Report PED17094, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED17094, 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 PED17094 be added to Schedule Zoning Map No. E-37c and E-38c of the City of Hamilton Zoning By-law No. 6593; and,
 - (iii) 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 (UHOP).
- (b) That there were no submissions received regarding this matter.

3. Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 393 Wilson Street East (Ancaster) (PED17099) (Ward 12) (Item 6.2)

- (a) That Amended Zoning By-law Amendment Application ZAR-15-042 by Family Practice (Dixie) Ltd. (Owner), for a modification to the Village Area “VA” Zone to permit the development of a mixed use building, containing one ground floor commercial unit and six residential dwelling units above the ground floor, on lands located at 393 Wilson Street East, Ancaster, as shown on Appendix “A” to Report PED17099, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17099, 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 PED17099, be added to Map No. 1 to Schedule B of Zoning By-law No. 87-57;
 - (iii) That the proposal 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; and,
 - (iv) That staff be directed and authorized to incorporate Recommendation (a) of Report PED17099 into the future housekeeping amendment to the Commercial and Mixed Use Zones, in accordance with the applicable provisions of the *Planning Act*.

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

4. Application for a Zoning By-law Amendment for Lands located at 30 Rymal Road East (Hamilton) (PED17098) (Ward 7) (Item 6.3)

- (a) That Amended Zoning By-law Amendment Application ZAR-16-061, by Peter and John Zournutos, Peter Halzoglou and Aiden Tuite (Owners), for a further modification to the “G-4” (Designed Neighbourhood Shopping Area) District, to amend the existing site specific zoning regulations to remove the current floor area and maximum number of restaurant restrictions on lands located at 30 Rymal Road East (Hamilton), as shown on Appendix “A”, Report PED17098, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED17098, 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 PED17098, be added to Zoning Map No. E9e of Zoning By-law No. 6593; and,
 - (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, and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the amendment to City of Hamilton Zoning By-law No. 6593, that the Allison Neighbourhood Plan be amended to create a special policy area for 30 Rymal Road East to permit restaurants within the existing commercial building.
- (c) That staff be directed and authorized to incorporate Recommendation (a) of Report PED17098 into the future housekeeping amendment to the Commercial and Mixed Use Zones in accordance with the applicable provisions of the Planning Act;
- (d) That the submissions received regarding this matter did not affect the decision.

5. Business Licensing By-law 07-170 – Removal of Salvage Businesses and Pawnbrokers from Second-Hand Goods, Pawnbroker and Jewellery and Precious Metals Businesses (Schedule 22) (PED17102) (City Wide) (Outstanding Business List Item) (Item 8.2)

- (a) That the Business Licensing By-law 07-170 be amended by removing Salvage Businesses and Pawnbrokers from the “Second-Hand Goods, Pawnbroker and Jewellery and Precious Metals” (Schedule 22) to create a standalone “Second-Hand Goods, Jewellery and Precious Metals Businesses” Schedule in accordance with the amending by-law attached as Appendix “A” to Report PED17102, which has been prepared in a form satisfactory to the City Solicitor;
- (b) That the amending by-law attached as Appendix “A” to Report PED17102 be held in abeyance subject to the approval of the amending by-laws to establish Pawnbrokers (Schedule 5) (Report PED17103) and Salvage Businesses (Schedule 10) (Report PED17104);

6. Business Licensing By-law 07-170 – Pawnbrokers (Schedule 5) (PED17103) (City Wide) (Item 8.3)

That the Business Licensing By-law 07-170 be amended to include the draft By-law “Pawnbrokers” (Schedule 5) attached as Appendix “A” to Report PED17103, which has been prepared in a form satisfactory to the City Solicitor.

7. Business Licensing By-law 07-170 – Salvage Businesses (Schedule 10) (PED17104) (City Wide) (Item 8.4)

That the Business Licensing By-law 07-170 be amended to include the draft By-law “Salvage Businesses” (Schedule 10) attached as Appendix “A” to Report PED17104, which has been prepared in a form satisfactory to the City Solicitor.

8. Housekeeping Amendments to the Vacant Building Registry By-law No. 10-260, and Property Standards By-law No. 10-22 (PED17108) (City Wide) (Item 8.5)

- (a) That the By-law attached as Appendix “A” to Report PED17108, which repeals and replaces the Vacant Building Registry By-law No. 10-260, making a number of updates including improving the definition of “vacant building”, and which has been prepared in a form satisfactory to the City Solicitor, be enacted; and
- (b) That the By-law attached as Appendix “B” to Report PED17108, which amends the Property Standards By-law No. 10-221, requiring that material

used to board-up buildings be painted so that the boarding-up is less conspicuous, and which has been prepared in a form satisfactory to the City Solicitor, be enacted.

9. Sidewalks for the Winona Road and Fifty Road Overpasses (Added Item 10.1)

That Public Works staff be directed to review the feasibility for constructing sidewalks for both the Winona Road and Fifty Road overpasses, to connect the Costco development with the neighbourhoods located north of the Queen Elizabeth Way (QEW) and report their findings to the Public Works Committee including costs and a funding source.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED CORRESPONDENCE

- 6.2(i) Sister Teresa Matwe, Administrator, Mount Mary Immaculate Retreat Centre, 437 Wilson Street East, Ancaster respecting Item 6.2, an Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 393 Wilson Street East (Ancaster) (PED17099) (Ward 12)
- 6.3(i) Marjorie Cooke, 15 Lester Avenue, Hamilton respecting Item 6.3 an Application for a Zoning By-law Amendment for Lands located at 30 Rymal Road East (Hamilton) (PED17098) (Ward 7)
- 8.1(i) Katie Rauscher, Planner, UrbanSolutions, Planning and Land Development Consultants Inc. on behalf of Valery (Chedoke Browlands) Development Inc. requesting a deferral of Item 8.1 the appeal for the refusal of a permit to injure or destroy trees in a woodland.

2. REVISED RECOMMENDATIONS

- 8.2 Business Licensing By-law 07-170 – Removal of Salvage Businesses and Pawnbrokers from Second-Hand Goods, Pawnbroker and Jewellery and Precious Metals Businesses (Schedule 22) (PED17102) (City Wide) (Outstanding Business List Item)

3. ADDED PRIVATE AND CONFIDENTIAL

- 12.1 Notice of Motion respecting Ontario Municipal Board (OMB) appeal regarding Zoning By-law Amendment and Subdivision Applications for the Property known as Part of Lot 11, Concession 4 East, Flamborough (Distributed under separate cover.)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the June 20, 2017 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) June 6, 2017 (Item 3.1)

The Minutes of the June 6, 2017 meeting were approved.

(d) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at the rear portion of 688 Stone Church Road East (Block "1") and 22 Pathfinder Court (Block "2") (Hamilton) (PED17094) (Ward 7) (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.

The public meeting was closed.

The staff presentation was waived.

David Falleta of Bousfields Inc., representing the owner, was in attendance and indicated that they are in support of the staff report.

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

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

For disposition of this matter refer to Item 2.

(ii) Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 393 Wilson Street East (Ancaster) (PED17099) (Ward 12) (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.

Written Submissions

- 6.2(i) Sister Teresa Matwe, Administrator, Mount Mary Immaculate Retreat Centre, 437 Wilson Street East, Ancaster

The written submissions were received.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Cheryl Selig of T. Johns Consulting Group Limited, representing the owner, was in attendance and indicated that they are in support of the staff report.

The recommendations were amended by adding the following subsection (b) and re-lettering the balance accordingly:

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

For disposition of this matter refer to Item 3.

(iii) Application for a Zoning By-law Amendment for Lands located at 30 Rymal Road East (Hamilton) (PED17098) (Ward 7) (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, 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 Submissions

6.3(i) Marjorie Cooke, 15 Lester Avenue, Hamilton

The written submissions were received.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Michael Crough of IBI Group representing the owner, was in attendance and indicated that they are in support of the staff report.

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

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

For disposition of this matter refer to Item 4.

(e) DISCUSSION (Item 8)

- (i) Application for a Permit to Injure or Destroy Trees in a Woodland for CON 2 PT LOT 57, PLAN 699 PCL A RP 62R17555, PARTS 1 TO 11 (Municipal Addresses of 820, 828, 870 Scenic Drive and 801 Sanatorium Road) - Refused by the Director of Licensing and By-law Services and appealed by the Applicant (PED17096) (Ward 8) (Item 8.1)**

Written Submission

8.1(i) Katie Rauscher, Planner, UrbanSolutions, Planning and Land Development Consultants Inc. on behalf of Valery (Chedoke Browlands) Development Inc. requesting a deferral.

Report PED17096 respecting “Application for a Permit to Injure or Destroy Trees in a Woodland for CON 2 PT LOT 57, PLAN 699 PCL A RP 62R17555, PARTS 1 TO 11 (Municipal Addresses of 820, 828, 870 Scenic Drive and 801 Sanatorium Road) - Refused by the Director of Licensing and By-law Services and appealed by the Applicant”, was deferred to the August 15, 2017 meeting.

- (ii) Business Licensing By-law 07-170 – Removal of Salvage Businesses and Pawnbrokers from Second-Hand Goods, Pawnbroker and Jewellery and Precious Metals Businesses (Schedule 22) (PED17102) (City Wide) (Outstanding Business List Item) (Item 8.2)**

and

- (iii) Business Licensing By-law 07-170 – Pawnbrokers (Schedule 5) (PED17103) (City Wide) (Item 8.3)**

and

- (iv) Business Licensing By-law 07-170 – Salvage Businesses (Schedule 10) (PED17104) (City Wide) (Item 8.4)**

Registered Speakers

1. Jodi Formosi

Jodi Formosi addressed Committee and advised that after her home had been broken into a few years ago and her gold jewellery stolen, she tried to recover her jewellery by going to pawn shops and second-hand goods stores. She was surprised that there are 101 such operations in the City and that many of them did not

comply with the requirements of logging the items and checking identification. She realized that the current system needed improvements.

The delegation was received.

**2. Troy Thompson, G.W. Thompson Jeweller & Pawnbroker Inc.,
190 King Street East**

Troy Thompson addressed Committee and advised that he is the President of GW Thompson Jeweller & Pawnbroker Inc. He spoke to three points - the *Pawnbrokers Act*, the issue of stolen property and moving forward. He indicated that it is important to recognize the difference between a Pawnbroker operation and a Second-Hand Goods operation.

**3. Glen Watts, Owner and President of all three H. Williams
Jewellery locations in Hamilton**

Glen Watts addressed Committee and indicated that if the operators were required to take photos of all the items they received, it would be onerous.

The delegations were received.

Councillor Green indicated that he wished to be recorded as OPPOSED to Items 8.2, 8.3 and 8.4.

For further disposition of this matter refer to Items 5, 6 & 7.

(f) NOTICES OF MOTION (Item 10)

Councillor B. Johnson introduced the following Notice of Motion:

**(i) Sidewalks for the Winona Road and Fifty Road Overpasses (Added
Item 10.1)**

The rules of order were waived to allow the introduction of a motion respecting Sidewalks for the Winona Road and Fifty Road Overpasses.

For disposition of this matter refer to Item 9.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 10)

11.1 Outstanding Business List

(a) The following new due dates were approved:

Item “E” - (OMB) Decision re: 121 Augusta Street, Staff to review the RCF’s in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code and report back.

Due Date: June 20, 2017

New Due Date: September 5, 2017

Item “K” - The Feasibility of Establishing a City Animal Adoption Service in Partnership with the HBSPCA

Due Date: June 20, 2017

New Due Date: September 19, 2017

Item “P” - Staff to report back with recommendations to update Discharge of Firearms By-law

Due Date: September 19, 2017

New Due Date: December 5, 2017

Item “AA” - That staff report to the Planning Committee on a proposed scope and terms of reference for a consultant assignment to undertake the Kirkendall Neighbourhood Strategy in collaboration with the Kirkendall Neighbourhood Association

Due Date: June 20, 2017

New Due Date: September 19, 2017

(b) The following Items were removed:

Item “Y” - That staff be directed to prepare the criteria for an expression of interest for the lands located at 191 York Boulevard to incorporate the existing Community Living Hamilton use within a high density, mixed use and mixed income development, and report to the Planning Committee.

(Item 3 of May 3, 2017 GIC Report 17-010)

Item “FF” - That Licensing Division staff be directed to review Schedule 22 of Business Licensing By-law 07-170 – Salvage and Second-hand Goods, Pawnbrokers and Jewellery and Precious Metals Businesses to strengthen regulatory requirements and report to Planning.

(Item 8.2 on this agenda.)

(h) PRIVATE AND CONFIDENTIAL (Item 12)

- (i) Notice of Motion respecting Ontario Municipal Board (OMB) appeal regarding Zoning By-law Amendment and Subdivision Applications for the Property known as Part of Lot 11, Concession 4 East, Flamborough (Added Item 12.1.)**

The rules of order were waived to allow the introduction of a motion respecting Ontario Municipal Board (OMB) appeal regarding Zoning By-law Amendment and Subdivision Applications for the Property known as Part of Lot 11, Concession 4 East, Flamborough.

Committee approved the following without moving into Closed Session:

The staff direction included in the motion respecting Ontario Municipal Board (OMB) appeal regarding Zoning By-law Amendment and Subdivision Applications for the Property known as Part of Lot 11, Concession 4 East, Flamborough was approved and is to remain private and confidential.

(i) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 1:33 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk