



PLANNING COMMITTEE

REPORT 17-014

9:30 a.m.

Tuesday, September 5, 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, R. Pasuta, and J. Partridge

THE PLANNING COMMITTEE PRESENTS REPORT 17-014 AND RESPECTFULLY RECOMMENDS:

1. **Request from Franz Kloibhofer, of A.J. Clarke and Associates and Mark Levkoe (Valcoustics) on behalf of Rose Hamilton Homes Inc. that the Planning Committee approve the reclassification of the noise receptor status of lands located at 212 King William Street from a Class 1 to a Class 4 noise receptor under NPC 300. (Item 6.1)**

That the reclassification of the noise receptor status of lands located at 212 King William Street from a Class 1 to a Class 4 noise receptor, be approved, as permitted through the Ministry of Environment and Climate Change Publication NPC 300 Guidelines.

2. **Applications for an Amendment to the Urban Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 53 Gibson Street, Hamilton (PED17159) (Ward 3) (Item 6.3)**
 - (a) That Urban Hamilton Official Plan Amendment Application UHOPA-16-14, by Hawk Ridge Homes Inc., Owner, to establish a site specific policy to permit ten (10) street townhouse dwellings with a maximum density of 62 units per net residential hectare, for lands located at 53 Gibson Avenue, Hamilton, be APPROVED as shown on Appendix "A" to Report PED17159, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17159, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Zoning By-law Amendment Application ZAR-16-037, by Hawk Ridge Homes Inc., Owner, for a change in zoning from the "D/S-459" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified to the "RT-30/S-1754" (Street-Townhouse) District, Modified (Block 1) and "RT-30/S-1754-'H'" (Street-Townhouse) District, Holding, Modified (Block 2) in order to permit ten (10) street townhouse dwellings for lands located at 53 Gibson Avenue (Hamilton), as shown on Appendix “A” to Report PED17159, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED17159, 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 "C" to Report PED17159, be added to District Map No. E22 of Zoning By-law No. 6593;
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O, 1990 to the subject lands by introducing the Holding Symbol 'H' as a suffix to the proposed zoning for Block 2;

The Holding Provision "RT-30/S-1754-'H'" (Street – Townhouse) District, Holding, Modified, be removed conditional upon:

- (1) a signed Record of Site Condition (RSC) be submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

- (c) That upon finalization of the amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593, that the Gibson Neighbourhood Plan be amended to redesignate the subject lands from “Single and Double” to “Attached Housing”;
- (d) That the public submissions received regarding this matter did not affect the decision.

3. On-Street Parking on Gibson Avenue (Item 6.3)

That the on-street parking be permanently switched over to the opposite side (east side) of Gibson Avenue between Wilson Street and Cannon Street.

4. Application for a Zoning By-law Amendment for Lands Located at 100 Hamilton Street North, Flamborough (PED17157) (Ward 15) (Item 6.4)

- (a) That Zoning By-law Amendment Application ZAR-15-058 by 100 Hamilton Street Limited, Owner, for a modification to the Urban Commercial "UC" Zone, to permit a seven storey, 69 unit multiple dwelling for lands located at 100 Hamilton Street North (Flamborough), as shown on Appendix “A” to Report PED17157, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED17157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (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 (Places to Grow), and complies with the Urban Hamilton Official Plan;
- (b) That the public submissions received regarding this matter did not affect the decision.

5. Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3100-3140 Regional Road 56 and Block 131 of the Elizabeth Gardens Phase 3 Plan of Subdivision (62M-1062), Glanbrook (PED17140) (Ward 11) (Item 6.5)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-019 by Losani Homes (1998) Ltd. (Owner), for a site specific amendment to permit an increase in height to allow for a partial fourth storey within the Binbrook Village Secondary Plan, for lands located at 3100-3140 Regional Road 56 and Block 131 of Registered Plan of

Subdivision 62M-1062, Glanbrook, as shown on Appendix "A" to Report PED17140, be DENIED on the following basis:

- (i) That proposal does not comply with the Binbrook Secondary Plan regarding height,
 - (ii) The proposal does not comply with the Urban Hamilton Official Plan regarding height;
 - (iii) The application is not consistent with the character, both existing and planned for Binbrook and therefore cannot be supported.
- (b) That Amended Zoning By-law Amendment Application ZAC-16-054, by Losani Homes (1998) Ltd. (Owner), for a change in zoning from the Existing Residential "ER" Zone, the Restricted Agricultural "A2" Zone, and the General Commercial "C3" Zone to the General Commercial "H-C3-304" Zone, Modified, with a Holding, for lands located at 3100-3140 Regional Road 56 and Block 131 of Registered Plan of Subdivision 62M-1062, Glanbrook, as shown in Appendix "A" to Report PED17140, be DENIED on the following basis:
- (i) That proposal does not comply with the Binbrook Secondary Plan regarding height,
 - (ii) The proposal does not comply with the Urban Hamilton Official Plan regarding height;
 - (iii) The application is not consistent with the character, both existing and planned for Binbrook and therefore cannot be supported.

6. Durand Neighbourhood Character Study (Added 4.2)

- (a) That the Durand Neighbourhood Character Study prepared for the Durand Neighbourhood Association be received and referred to Planning staff to review and for inclusion as a resource associated with the pending Durand Neighbourhood Association Secondary Plan work plan;
- (b) That after consultation with the Ward Councillor on the results of Planning staff's review of the study, if immediate changes to Zoning By-law 6593 applicable to the Durand Neighbourhood are warranted to create a zoning overlay to maintain neighbourhood character, then Planning staff be directed and authorized to schedule a Public Meeting of the Planning Committee, no later than Q1/2018, to consider proposed zoning by-law changes.

7. Review of Existing Conditions and Development Trends Between 2006 and 2016 – GRIDS2 / Municipal Comprehensive Review Background Report (PED17010(a)) (Item 7.1)

That Report PED17010(a) respecting Review of Existing Conditions and Development Trends Between 2006 and 2016 – GRIDS2 / Municipal Comprehensive Review Background Report, be received.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED DELEGATION REQUEST

- 4.2 Janice Brown, Frances Murray and Yonatan Rozenszajn of the Durand Neighbourhood Association, to present the Association's Character Neighbourhood Project. (For today's meeting)

2. ADDED CORRESPONDENCE

- 6.1(i) Noise Memo respecting Item 6.1 the delegation from Franz Kloibhofer to request approval for the reclassification of the noise receptor status of lands located at 212 King William Street from a Class 1 to a Class 4 noise receptor under NPC 300.
- 6.3(i) Marilyn and Francis Morris, 66 Gibson Avenue, Hamilton, respecting Item 6.3 Applications for an Amendment to the Urban Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 53 Gibson Street, Hamilton (PED17159) (Ward 3)
- 6.4(i) Patricia Hutten, Village Manor Retirement Home, 57 John Street West, Waterdown, respecting Item 6.4 Application for a Zoning By-law Amendment for Lands Located at 100 Hamilton Street North, Flamborough (PED17157) (Ward 15)
- 6.5(i) Susan and Douglas Dance, 25 – 130 Southbrook Drive, Binbrook respecting Item 6.5, Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3100-3140 Regional Road 56 and Block 131 of the Elizabeth Gardens Phase 3 Plan of Subdivision (62M-1062), Glanbrook (PED17140) (Ward 11)

- 8.1(i) Lorraine Roberts, Land Development Manager for Losani Homes requesting that Item 8.1 respecting Sign Variance Appeal SV-17-001 for the property known as 430 McNeilly Road, Stoney Creek, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED17134) remain TABLED until the October 17, 2017 meeting due to unforeseen circumstances.

The agenda for the September 5, 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) August 15, 2017 (Item 3.1)

The Minutes of the August 15, 2017 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

- (i) The following delegation request was approved to attend a future meeting:

(1) Scott Aird, Hamilton & District Budgerigar Society Inc., to request that Council revisit the restriction on the number of pets as outlined in the Responsible Pet Owner By-law 12-031 for “small cages birds”. (Item 4.1)

- (ii) The following delegation request was approved and the rules of order were waived in order to address Committee at today’s meeting:

(1) Janice Brown, Frances Murray and Yonatan Rozenszajn of the Durand Neighbourhood Association, to present the Association’s Character Neighbourhood Project. (Added Item 4.2)

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Franz Kloibhofer, of A.J. Clarke and Associates, and Mark Levkoe (Valcoustics) on behalf of Rose Hamilton Homes Inc. to request that Planning Committee approve the reclassification of the noise receptor status of lands located at 212 King William Street from a Class 1 to a Class 4 noise receptor under NPC 300. No copy (Approved August 15, 2017) (Item 6.1)**

Written Submission

6.1(i) Noise Memo

The Noise Memo, Item 6.1(i), was received.

Franz Kloibhofer and Mark Levkoe addressed Committee with the aid of a PowerPoint presentation. Copies of the hand-out were distributed. A copy is available for viewing on the City's website.

The delegation was received.

Staff were directed to report back to Planning Committee on ways in which the City may contemplate a Class 4 noise receptor status for lands in the Downtown Secondary Plan and/or as a broader city-wide policy.

For further disposition of this matter refer to Item 1.

- (ii) **Sergio Manchia and Allan Buist, 1800615 Ontario Inc. / DiCenzo & Associates Professional Corporation, respecting Foothills of Winona Phase 2 subdivision and the Engineering Department's requirement for the developer to post a security deposit for a potential future sanitary sewer on Fifty Road. No copy. (Approved August 15, 2017) (Item 6.2)**

Sergio Manchia addressed Committee and advised that this matter has been addressed and there is no need for their delegation.

The verbal update was received.

- (iii) **Applications for an Amendment to the Urban Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 53 Gibson Street, Hamilton (PED17159) (Ward 3) (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 Urban Hamilton Official Plan or 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

6.3(i) Marilyn and Francis Morris, 66 Gibson Avenue, Hamilton

The written comments, Item 6.3(i), were received.

Tiffany Singh, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

The staff presentation was received.

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

Speakers

1. Marilyn Morris, 66 Gibson Avenue

Marilyn Morris addressed Committee and expressed her concerns with the proposed development.

2. Gaynor Mullin, 64 Gibson Avenue

Gaynor Mullin addressed Committee and expressed her concerns with the this proposal.

- (a) The delegations was received;
- (b) The the public meeting was closed.

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

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

For disposition of this matter refer to Items 2 and 3.

(iv) **Application for a Zoning By-law Amendment for Lands Located at 100 Hamilton Street North, Flamborough (PED17157) (Ward 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 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 Comments

6.4(i) Patricia Hutten, Village Manor Retirement Home, 57 John Street West, Waterdown

The added written comments, Item 6.4(i) were received.

Greg Macdonald, Senior Project Manager, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

The staff presentation was received.

Marina Frensham, of thinkGiraffe Design & Construction Connections, representing the owner, addressed Committee with the aid of a PowerPoint presentation. A copy of her presentation is available for viewing on the City's website.

The presentation from the agent was received.

Speakers

1. Robert and Valerie Thomas, 15 John Street West, Waterdown

Robert Thomas addressed Committee and read from a prepared statement outlining their concerns. Copies were distributed and a copy is available for viewing on the City's website.

2. Elizabeth Saucier, 72 Mill Street South, Waterdown

Elizabeth Saucier addressed Committee and expressed her concerns with the project.

3. Mylène Vincent, 7 John Street, Waterdown

Mylène Vincent addressed Committee and expressed concerns with the proposal.

4. Trish Hutton, 57 John Street West, Waterdown

Trish Hutton addressed Committee and advised that she is the owner of the existing retirement home on John Street. She expressed her concerns with the proposed development.

5. Ken O’Sullivan, 72 Mill Street South, Waterdown

Ken O’Sullivan addressed Committee and provided some suggestions regarding the traffic flow and the parking concerns.

- (a) That the delegations be received;
- (b) That the public meeting be closed.

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

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

For disposition of this matter refer to Item 4.

(v) Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3100-3140 Regional Road 56 and Block 131 of the Elizabeth Gardens Phase 3 Plan of Subdivision (62M-1062), Glanbrook (PED17140) (Ward 11) (Item 6.5)

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

- 6.5(i) Susan and Douglas Dance, 25 – 130 Southbrook Drive, Binbrook

The added written comments, Item 6.5(i), were received.

No members of the public came forward.

- (a) The public meeting was closed.
- (b) The staff presentation was waived.

James Webb, of WEBB Planning Consultants, representing the owner, was in attendance and indicated that they are in support of the staff report. He addressed Committee and outlined the details of the proposal.

The agent's comments were received.

For disposition of this matter refer to Item 5.

Councillor M. Pearson indicated that she wished to be recorded as OPPOSED to Committee's decision.

(vi) Janice Brown, Frances Murray and Yonatan Rozenszajn of the Durand Neighbourhood Association, to present the Association's Character Neighbourhood Project. (Added 4.2)

Janice Brown addressed Committee on behalf of the Durand Neighbourhood Association and read from a prepared statement. A copy was submitted for the public record and is available for viewing on the City's website.

The delegation by the Durand Neighbourhood Association was received.

For further disposition of this matter refer to Item 6.

(f) PRESENTATIONS (Item 7)

(i) Review of Existing Conditions and Development Trends Between 2006 and 2016 – GRIDS2 / Municipal Comprehensive Review Background Report (PED17010(a)) (Item 7.1)

Heather Travis, Senior Project Manager, Planning Policy and Zoning By-Law Reform addressed Committee and provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. A booklet entitled "GRIDS2 Growth Summary 2006 – 2016" was also distributed and a copy has been retained for the public record.

The staff presentation was received.

For disposition of this matter refer to Item 7.

(g) DISCUSSION (Item 8)

- (i) Sign Variance Appeal SV-17-001 for the property known as 430 McNeilly Road, Stoney Creek, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED17134)(Ward 11) (Item 8.1)**

Added Correspondence

8.1(i) Lorraine Roberts, Land Development Manager for Losani Homes requesting that Item 8.1 remain TABLED until the October 17, 2017 meeting.

Item 8.1, respecting Sign Variance Appeal SV-17-001 for the property known as 430 McNeilly Road, Stoney Creek, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED17134) will remain TABLED until the October 17, 2017 meeting.

(h) NOTICES OF MOTION (ITEM 10)

Councillor Farr introduced the following notice of motion:

- (i) Removal of Hess Village Entertainment District from Licensing Bylaw 07-170 (Added 9.1)**

WHEREAS, pursuant to Part IV of the *Municipal Act*, a municipality may pass by-laws with respect to business licensing;

WHEREAS, the City of Hamilton Licensing Bylaw 07-170 regulates the operating procedures of Food Premises;

WHEREAS, every licence holder who operates a Food Premises as a bar or nightclub in Hess Village must comply with the additional Hess Village Entertainment District requirements;

WHEREAS, the Hess Village Entertainment District requires a minimum of 10 Special Duty Police Officers each Thursday, Friday and Saturday from 11:00 pm to 4:00 am April 15th to November 15th each calendar year;

WHEREAS, every Hess Village Entertainment District licence holder shall contribute a pro-rated share to the cost of the Special Duty Police Officers;

WHEREAS, there has been a decline in attendance in the Hess Village Entertainment District;

WHEREAS, the City of Hamilton is the only municipality in Ontario with a licensing requirement for pro-rated Special Duty Police Officers, and

WHEREAS, by increasing the number of seats in some establishments, the sharing of paid policing costs has been reduced to only a handful of establishments paying a much greater share of policing costs;

THEREFORE BE IT RESOLVED:

That the Licensing Division Staff be directed to remove the Hess Village Entertainment District requirements from Schedule 21 of Business Licensing By-law 07-170 – Food Premises to better reflect the changes in the Hess Village Entertainment District.

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

(i) Outstanding Business List (Item 11.1)

(a) The following Items were removed:

Item “A” – Rate for Parkland Dedication for school board facilities – The item is currently on the HWD & HWCD School Board Liaison Committees’ lists (and Planning Committee has reviewed the Parkland Dedication By-law and the by-law was amended by Council on March 8, 2017 (PED17032)).

Item “G” – Preliminary Screenings of the Memorial (City) School and WH Ballard Public School for heritage designation. – The properties were added to the Work Plan with a 2019 completion date with Council approval on September 24, 2017 (PED14175)

Item “N” - That Urban Renewal staff help establish a Hess Village BIA and report back on its effectiveness.

Item “EE” - Motion regarding criteria and evidence to warrant a Licensing Tribunal.

(b) That the following new due date be 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 September 5, 2017

New due date: December 5, 2107

(ii) Early Release of Planning Reports

Jason Thorne, General Manager of Planning and Economic Development, advised Committee that there are a few high profile Planning Reports being prepared this Fall and, as staff have done in the past, staff would recommend their early release.

Staff were directed to release the following high profile Planning Reports being prepared this Fall in advance of the agendas they will be placed on:

- (1) The Commercial Mixed Use Zoning
- (2) The Downtown Secondary Plan
- (3) The Creative Industries Zoning
- (4) The Centennial Secondary Plan

(j) ADJOURNMENT (Item 13)

That, there being no further business, the Planning Committee adjourned at 1:58 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk