



PLANNING COMMITTEE

MINUTES 17-013

9:30 a.m.

Tuesday, August 15, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), A. Johnson (1st Vice-Chair), M. Green, C. Collins, B. Johnson, D. Skelly, R. Pasuta, and J. Partridge

Also present: Councillors L. Ferguson and T. Whitehead

Absent with regrets: Councillors J. Farr (2nd Vice Chair) and D. Conley, Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Mountain Secondary School Lands (PW17061) (Ward 7) (Item 5.1)

(Skelly/Collins)

That Report PW17061 respecting Mountain Secondary School Lands, be received and referred to the School Board Properties Sub-Committee for information.

CARRIED

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED17138) (City Wide) (Item 5.3)

(B. Johnson/Partridge)

That Report PED17138 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Housekeeping Amendment to the Hamilton Adequate Heat By-Law No. 04-091 (PED16162(a)) (City Wide) (Outstanding Business List Item) (Item 5.4)

(Collins/Skelly)

That Report PED16162(a) respecting Housekeeping Amendment to the Hamilton Adequate Heat By-Law No. 04-091, be received.

CARRIED

4. New Vehicle Purchase to Complement Personal Transportation Providers Schedule 24 (PED16099(b)) (City Wide) (Item 5.5)

(Skelly/Partridge)

That approval be given for a one-time Capital expenditure (estimated at \$30,000) for the purchase of one vehicle funded from Licensing and By-Law Services revenue generation from the new Personal Transportation Provider (PTP) Schedule of the By-Law 07-170.

CARRIED

5. Agriculture and Rural Affairs Committee Report 17-002 (Item 5.6)

(B. Johnson/Pasuta)

(a) Province of Ontario Natural Gas Grant Program (Item 8.1)

- (i) That Union Gas be contacted to inquire about the following matters:
 - 1. In addition to the Sheffield proposal, what other established rural settlements and rural development areas in the City of Hamilton have been considered for future expansion under the Ontario Natural Gas Grant Program and how were those decisions arrived at; and,
 - 2. What is the criteria for expansion of natural gas services in rural areas?
- (ii) That Union Gas representatives be invited to attend the next meeting of the Agriculture and Rural Affairs Advisory Committee.

CARRIED

6. Rental Housing Sub-Committee Report 17-003 (Item 5.7)

(Collins/A. Johnson)

(a) Licensing of Rental Units (PED10049(v))(City Wide) (Item 8.1)

That the Licensing and By-Law Services Division hire a full time Project Manager from the redistribution of resources within the Licensing and By-law Services Division, for a six month period at an estimated cost of \$60,000, to provide the following:

- (i) An Update of Report PED10049(h) respecting Regulation of Rental Housing;
- (ii) A comparison of municipalities and their use of regulations respecting rental housing, for inclusion in a staff report back to the Rental Housing Sub-Committee; and

- (iii) A list of municipalities for use in a future research trip respecting rental housing.

(b) Rental Housing Sub-Committee Research Trip (Item 8.1)

That members of the Rental Housing Sub-Committee participate in a research trip with staff to visit other communities to discuss their use of regulations addressing rental housing, and the information from this research trip is to be included in a report back to the Rental Housing Sub-Committee.

CARRIED

7. Hamilton Municipal Heritage Committee Report 17-005 (Item 5.8)

(Partridge/A. Johnson)

**(a) Education and Communication Working Group Notes - March 8, 2017
(Item 5.1)**

(i) Sale of Heritage Posters Through Hamilton Tourism

That the Heritage Planning Division (on behalf of the Hamilton Municipal Heritage Committee), enter into an agreement with Hamilton Tourism for the sale of HMHC Heritage Posters for the rate of 20% to be retained by Hamilton Tourism.

(ii) Hamilton Municipal Heritage Committee Colouring Page Project

Based on the positive feedback received from a limited-print test project of the HMHC Colouring Pages:

- (1) That the test project, attached as Appendix "A" to Report 17-005, be approved for wider public distribution;
- (2) That HMHC be allowed to use the City of Hamilton's logo along-side the logo for the Hamilton Municipal Heritage Committee on all colouring pages;
- (3) That the costs for production and printing of HMHC colouring pages be covered by the Committee's existing HMHC Printing Account;
- (4) That this project be expanded as an on-going series; in order to create more municipal heritage-themed colour pages, to be used as a method of public promotion, communication and education about our built municipal heritage and heritage landscapes.

(b) Notices of Intention to Designate (Item 5.4)

That the following items be received:

- (i) Notice of Designation - By-law Number 17-118, 140 Locke Street South, Hamilton
- (ii) Notice of Intention to Designate - 13-15 Inglewood Drive, Hamilton
- (iii) Notice of Designation - 21 Stone Church Road West Hamilton (Barton Stone United Church)

(c) Recommendation to Designate 1062 Golf Club Road, Glanbrook, known as Woodburn Centennial Hall, Under Part IV of the Ontario Heritage Act (PED17130) (Ward 11) (Item 8.1)

- (i) That the property located at 1062 Golf Club Road, Glanbrook, known as Woodburn Centennial Hall, shown in Appendix A to Report PED17130, be designated as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*;
- (ii) That the Statement of Cultural Heritage Value and Description of Heritage Attributes, attached as Appendix B to Report PED17130, be approved; and,
- (iii) That the City Clerk be directed to take appropriate action to designate 1062 Golf Club Road, Glanbrook under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix C to Report PED17130.

(d) Exclusion of Concession and Storage Facility Located at 3027 and 3149 Homestead Drive, Glanbrook (Mount Hope Park), from Designation under Part IV of the Ontario Heritage Act (PED17127) (Ward 11) (Item 8.2)

That the concession and storage facility located at 3027 and 3149 Homestead Drive, Glanbrook, as shown on the Location Map attached as Appendix A to Report PED17127, currently included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest, and subject to a Notice of Intention to Demolish, not be designated as a property of cultural value under Part IV of the Ontario Heritage Act.

(e) 2 Hatt Street, Dundas, Ontario (Item 8.3)

WHEREAS, the stone structure known as 2 Hatt Street, Dundas, is currently up for sale due to tax arrears and has been considered vacant by the City of Hamilton since May 2013;

WHEREAS, the future of this property is unknown, and the property is not designated;

WHEREAS, the property is currently only listed on the City's Inventory of Buildings of Architectural and/or Historical Interest; which provides no protection to this property;

WHEREAS, adding the property to the Register would provide at least 60 days protection from demolition;

WHEREAS, the property is a unique and rare example of early pre-confederation architecture in Upper Canada and is considered to be the oldest existing stone building in Dundas;

WHEREAS, over its 213 year history, the building has been a general store, Dundas' first post office (the first post office west of Toronto), a blacksmith shop, a private home, commercial business and studio art gallery;

WHEREAS, the property is known to have played a role in the War of 1812; providing a place of refuge to British soldiers;

WHEREAS, historians note that on August 9, 1812, Sir Isaac Brock stayed at 2 Hatt Street, en route to Queenston Heights; where he died 2 months later;

WHEREAS, this property is linked to the historical figure of Richard Hatt, a businessman, judge, office holder, politician and militia officer; as well as historical events taking place within Upper Canada; and

WHEREAS, this property played a significant role in the early settlement and founding of the Town of Dundas; and

WHEREAS, Hatt's mills spurred the settlement of the valley; and what would become the Town of Dundas;

THEREFORE BE IT RESOLVED:

- (i) That the property located at 2 Hatt Street, Dundas, be added to the Register of Property of Cultural Heritage Value or Interest; and
- (ii) That staff conduct a review of the property's heritage and designation value, and report back to the Hamilton Municipal Heritage Committee.

- (f) Recommendation to Designate 1014 King Street West, Hamilton (Westdale Theatre) under Part IV of the Ontario Heritage Act (PED17129) (Ward 1) (Added Item 8.5)**

- (i) That the designation of 1014 King Street West, Hamilton (Westdale Theatre) shown in Appendix “A” to Report PED17129, 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 “B” to Report 17-005, be approved;
- (iii) That the City Clerk be directed to take appropriate action to designate 1014 King Street West, Hamilton (Westdale Theatre) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED17129.

CARRIED

8. Application for Approval of Draft Plan of Condominium (Common Element), for lands located at 120 Vineberg Drive, (Hamilton) (PED17141) (Ward 7) (Item 6.1)

(Skelly/Pasuta)

- (a) That Draft Plan of Condominium Application 25CDM-201704, by Doherty Planning and Design, on behalf of Chappel South Developments Limited, Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, sidewalks, landscaped areas, 23 visitor parking spaces and centralized mailboxes, on lands located at 120 Vineberg Drive (Hamilton), as shown on Appendix “A” attached to Report PED17141, be APPROVED subject to the following conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201704 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated January 23, 2017, consisting of a condominium road, sidewalks, landscaped areas, 23 visitor parking spaces and centralized mailboxes, in favour of 49 townhouse dwelling units, attached as Appendix “B” to Report PED17141; and,
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201704, attached as Appendix “C” to Report PED17141, be endorsed by City Council;
- (b) ***That there were no public submissions received regarding this matter.***

Main Motion, as Amended, CARRIED

9. Application for a Zoning By-law Amendment for lands located at 1185 and 1210 York Boulevard, Hamilton (PED17143) (Ward 1) (Item 6.2)

(A. Johnson/Partridge)

(a) That Amended Zoning By-law Amendment Application ZAR-17-003 by Royal Botanical Gardens (c/o Mark Runciman), Owner, for a change in zoning from the “A” (Conservation, Open Space, Park and Recreation) District in the City of Hamilton Zoning By-law No. 6593; and the “SP2” (Special Policy Area Two – Parkway Belt West Plan) Zone in the Town of Dundas Zoning By-law No. 3581-86 to the Open Space (P4) Zone (Blocks “3” and “4”) and the Conservation / Hazard Lands (P5) Zone (Blocks “1” and “2”), in the City of Hamilton Zoning By-law No. 05-200 to permit a botanical garden, place of assembly, restaurant with accessory outdoor commercial patio, and conference or convention centre as ancillary uses on the lands located at 1185 and 1210 York Boulevard (Hamilton), as shown on Appendix “A” to Report PED17143, be APPROVED on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED17143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the Urban Hamilton Official Plan.

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

Main Motion, as Amended, CARRIED

10. Application for a Zoning By-law Amendment for Lands Located at 3079 Binbrook Road, Glanbrook (PED17142) (Ward 11) (Item 6.3)

(B. Johnson/Partridge)

(a) That Zoning By-law Amendment Application ZAC-17-037, by 1635054 Ontario Inc., (Owner), for a change in zoning from the Existing Residential “ER” Zone to the General Commercial - Holding “H-C3-305” Zone, Modified, to permit the development of a women’s wellness studio and spa for the lands located at 3079 Binbrook Road as shown on Appendix “A” to Report PED17142 be APPROVED on the following basis:

- (i) That the modified draft By-law, attached as Appendix “B” to Report PED17142, 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 (2017), and complies with the Urban Hamilton Official Plan; and,
- (iii) That staff be directed and authorized to incorporate Recommendation (a) of Report PED17142 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 public submissions received regarding this matter did not affect the decision.

Main Motion, as Amended, CARRIED

11. Applications to Amend the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92, and for Approval of a Draft Plan of Subdivision “Battlefield Vista” for lands known as 440 First Road West (Stoney Creek) (PED17124) (Ward 9) (6.4)

(Skelly/Pasuta)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-16-22, by Dyvb Inc. (c/o Urbex Engineering Limited), Owner, to amend the Nash Neighbourhood Secondary Plan to allow for individual driveways to directly access a public street, for the lands known as 440 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED17124, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17124, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed 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 ZAC-15-059 by Dyvb Inc. (c/o Urbex Engineering Limited), Owner, for changes in zoning from the Neighbourhood Development “ND” Zone to the Residential Multiple (Holding) “RM2-44(H1)” Zone, Modified (Blocks 1 and 3); the Single Residential (Holding) “R4-33(H1)” Zone, Modified (Block 2); the Multiple Residential (Holding) “RM2-44(H2)” Zone, Modified (Blocks 4 and 6); and the Single Residential (Holding) “R4-33(H2)” Zone, Modified (Block 5) in the Stoney Creek Zoning By-law No. 3692-92; for lands located at 440 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED17124, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED17124, 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 (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017); and,
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ___.
- (c) That Draft Plan of Subdivision Application 25T-201510 by Dyvb Inc. (c/o Urbex Engineering Limited), Owner, to establish a Draft Plan of Subdivision known as “Battlefield Vista”, on lands known as 440 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED17124, be APPROVED subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision “Battlefield Vista”, 25T-201510, prepared by URBEX Engineering Limited and certified by Dan McLaren, O.L.S., dated, October 26, 2015, consisting of 27 lots for single detached dwellings (Lots 1 – 27), two blocks for 11 street townhouse units (Block 28 and Block 29), two blocks for future residential uses (Block 30 and Block 31), one block for a 0.30 metre road reserve, and the extension of Tilden Avenue, subject to the owner entering into a standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED17124;
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, and will be calculated in accordance with the City’s Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of the first building permit;
- all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
- (d) ***That there were no public submissions received regarding this matter.***

Main Motion, as Amended, CARRIED

12. Applications for Amendment to the City of Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 162 Hess Street North (PED17146) (Ward 2) (Item 6.5)

(Partridge/Green)

- (a) That Amended Official Plan Amendment Application OPA-15-011 by Lyncott Properties Inc., Owners, to establish a site specific policy in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit an existing five (5) unit multiple dwelling within the Low Density Residential Designation, for lands located at 162 Hess Street North, Hamilton, as shown on Appendix "A" to Report PED17146, be Approved on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED17146, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Hamilton-Wentworth Official Plan.
- (b) That Amended Zoning By-law Amendment Application ZAR-15-022 by Lyncott Properties Inc., Owners, for a modification to the "D" (Urban Protected Residential – 1 and 2 Family Dwelling, etc.) District, to permit a converted dwelling having a maximum of five (5) dwelling units existing on the date of the passing of the By-law, for lands located at 162 Hess Street North, Hamilton, as shown on Appendix "A" to Report PED17146, be Approved on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED17146, 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 PED17146, be added to District Map No. W3 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 (2017), complies with the Hamilton-Wentworth Official Plan, and will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. XXX.
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

13. Revised Application to Amend the Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 118 Hatt Street, Dundas (PED16177a) (Ward 13) (Item 6.6)

(Pasuta/Collins)

(a) That Revised Zoning By-law Amendment Application ZAR-16-028 by Dalia Eino (Owner), for modification to the General Industrial Flood Plain (I.G. - FP) Zone, in order to permit the adaptive re-use of the existing vacant one storey building with a proposed addition for a medical office and business service industries on lands located at 118 Hatt Street (Dundas), as shown on Appendix "A" to Report PED16177a be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED16177a, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule "A" of the Town of Dundas Zoning By-law No. 3581-86; 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 (2017), and complies with the Urban Hamilton Official Plan.

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

Main Motion, as Amended, CARRIED

14. Application to Amend the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 121 Fiddler's Green Road (Ancaster) (PED17152) (Ward 12) (Item 6.7)

(Partridge/Pasuta)

(a) That Zoning By-law Amendment Application ZAR-17-011, by Cricket-McGill Construction Ltd. (c/o Victor Mancini, Owner), for changes in zoning from the Existing Residential "ER-538" Zone, Modified, Existing Residential "ER-539" Zone, Modified, and Existing Residential "ER-540" Zone, Modified, to the Residential "R5-688" Zone, Modified, in Zoning By-law No. 87-57, for the lands located at 121 Fiddler's Green Road (Ancaster), as shown on Appendix "A" to Report PED17152, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED17152, 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 Growth Plan for the Greater Golden Horseshoe (Places to Grow); and,
 - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.
- (b) ***That the public submissions received regarding this matter did not affect the decision;***
- (c) ***That the Ward Councillor must be included in all Site Plan meetings.***
Main Motion, as Amended, CARRIED

15. **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) (Deferred from June 20, 2017) (Item 8.1)**

(Green/Partridge)

That the Appeal of the decision of the Director of Licensing and By-law Services to refuse a Permit to Injure or Destroy Trees in a Woodland, be denied, on the following basis:

The Permit Application requesting permission to cut trees:

- (a) meets the criterion in Section 11 of the Urban Woodland Conservation By-law No. 14-212 under which a Permit shall be refused, namely a portion of a Sensitive Natural Area would be eliminated if the trees were cut; and
- (b) is not in keeping with the general intent of purpose of the Urban Woodland Conservation By-law No. 14-212 which is to promote the conservation and sustainable use of woodlands on private property within the urban boundary of the City of Hamilton.

CARRIED

16. **Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) – Update On Final Plans (PED15078(e)) - Outstanding Business List Item (Item 8.3)**

(B. Johnson/Skelly)

That Report PED15078(e) respecting Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) – Update On Final Plans be received.

CARRIED

17. Digitization of Microfiche Records (PED17013(a)) (City Wide) (Item 8.4)

(A. Johnson/Skelly)

That the use of the Building Stabilization Reserve Account No. 104050 to fund the Digitization of Microfiche Records project, in the amount of \$4,112,900, as outlined in Appendix "A" to Report PED17013(a), be approved and put into a Capital account.

CARRIED

18. Waive Fee for Replacement Site Plan Application for 970 Beach Boulevard (Item 9.1)

(Collins/Skelly)

WHEREAS, the lands located at 970 Beach Boulevard have received Conditional Site Plan Approval (DAB-16-031) for the construction of a single detached dwelling;

WHEREAS, Condition 1c of the Standard Site Plan conditions states that in the event a building permit for the proposed development has not been issued within one year from the date of Site Plan approval, the approval shall lapse; and

WHEREAS, Site Plan approval for DAB-16-018 lapsed on July 26th, 2017 and a new Site Plan application is required for a building permit to be issued;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the City of Hamilton fee for the replacement Site Plan Application for 970 Beach Boulevard.

CARRIED

19. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and Revisions to Draft Plan of Subdivision 25T-200908, for Lands Located at 198 First Road West and 165 Upper Centennial Parkway (Stoney Creek) (LS17025/PED17025(a)) (Ward 9) (Item 12.1)

(B. Johnson/Partridge)

That the recommendations of Report LS17025/PED17025(a) respecting "Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and Revisions to Draft Plan of Subdivision 25T-200908, for Lands Located at 198 First Road West and 165 Upper Centennial Parkway (Stoney Creek)" be approved and the recommendations and the report remain private and confidential and restricted from public disclosure.

CARRIED

20. **Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and Revisions to Draft Plan of Subdivision 25T-201503, for Lands Located at 165 Upper Centennial Parkway (Stoney Creek) (LS17024/PED17026(a)) (Ward 9) (Item 12.2)**

(A. Johnson/Skelly)

That the recommendations of Report LS17024/PED17026(a) respecting "Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and Revisions to Draft Plan of Subdivision 25T-201503, for Lands Located at 165 Upper Centennial Parkway (Stoney Creek)" be approved and the recommendations and the report remain private and confidential until approved by Council.

CARRIED

- 21 **Settlement of OMB Case No. MM150081 re Protest of Payment of Part Lot Control Fees for Development at 1155 West 5th Street (LS17029/PED17158) (Ward 8)**

(Collins/A. Johnson)

That the direction to staff in Report LS17029/PED17158 respecting "Settlement of OMB Case No. MM150081 re Protest of Payment of Part Lot Control Fees for Development at 1155 West 5th Street" be approved and that the report and the recommendations remain private and confidential and restricted from public disclosure.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED CORRESPONDENCE

6.5(i) Tony Ponikvar and Gabriella Wentges, 26, 28 and 29 Harriet Street, respecting Item 6.5, Applications for Amendment to the City of Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 162 Hess Street North (PED17146) (Ward 2)

6.6(i) Michael Schulte, 10 John St., Unit PH, Dundas respecting Item 6.6 Revised Application to Amend the Town of Dundas Zoning By-law

No. 3581-86 for Lands Located at 118 Hatt Street, Dundas (PED16177a) (Ward 13)

6.7(i) Tom and Teresa St. Michael, 25 Douglas Road, Ancaster, respecting Item 6.7, Application to Amend the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 121 Fiddler's Green Road (Ancaster) (PED17152) (Ward 12)

8.2(i) Lorraine Roberts, Land Development Manager for Losani Homes requesting that Item 8.2 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) be TABLED until the next meeting on September 5, 2017.

2. MODIFIED BY-LAW

6.3 Appendix "B" to Item 6.3 respecting Application for a Zoning By-law Amendment for Lands Located at 3079 Binbrook Road, Glanbrook (PED17142) (Ward 11) is replaced with a modified Appendix "B".

(B. Johnson/A. Johnson)

That the agenda for the August 15, 2017 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Chair Pearson declared an interest with respect to Item 5.4 as a discussion ensued respecting the compliance with landlords to the Adequate Heat By-law and also to Item 5.7 as she is the owner of rental properties.

Councillor Green declared an interest with respect to Item 5.7 as he is the owner of a rental property and also to Item 6.3 as he is the owner of a fitness centre for which he has a tenant.

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

(i) July 11, 2017 (Item 3.1)

(Green/Collins)

That the Minutes of the July 11, 2017 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Partridge/Skelly)

That the following delegation requests be approved to attend at a future meeting:

- (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. (Item 4.1)
- (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. (Item 4.2)

CARRIED

(e) CONSENT ITEMS (Item 5)

- (i) **Sherman Inlet Public Access (LS17027) (Ward 3) (Outstanding Business List Item) (Item 5.2)**

(Green/Collins)

That Report LS17027 respecting Sherman Inlet Public Access be TABLED for further consultation with staff.

CARRIED

(f) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) **Application for Approval of Draft Plan of Condominium (Common Element), for lands located at 120 Vineberg Drive, (Hamilton) (PED17141) (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 Draft Plan of Condominium (Common Element) 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

(B. Johnson/Skelly)

That the staff presentation be waived.

CARRIED

Angelo Cameracci, of Urbex Engineering Limited, representing the owner, was in attendance and indicated that they are in support of the staff report.

(Skelly/Pasuta)

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

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

Amendment CARRIED

For disposition of this matter refer to Item 8.

(ii) Application for a Zoning By-law Amendment for lands located at 1185 and 1210 York Boulevard, Hamilton (PED17143) (Ward 1) (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 members of the public came forward.

(A. Johnson/Partridge)

That the public meeting be closed.

CARRIED

(A. Johnson/Partridge)

That the staff presentation be waived.

CARRIED

Ken Dakin of Andlyn Limited, representing the owner, was in attendance and indicated that they are in support of the staff report.

(A. Johnson/Partridge)

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

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

Amendment CARRIED

For disposition of this matter refer to Item 9.

(iii) Application for a Zoning By-law Amendment for Lands Located at 3079 Binbrook Road, Glanbrook (PED17142) (Ward 11) (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.

No members of the public came forward.

(B. Johnson/Partridge)

That the public meeting be closed.

CARRIED

(B. Johnson/Partridge)

That the staff presentation be waived.

CARRIED

Stephen Fraser of A. J. Clarke, representing the owner, was in attendance and indicated that they are in support of the staff report. However, he indicated that the Holding Provision is a major problem for this applicant and other applicants in Binbrook and would appreciate if the applicant can be provided with some relief.

(B. Johnson/Partridge)

That the recommendations be 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.***

Amendment CARRIED

For disposition of this matter refer to Item 10.

- (iv) **Applications to Amend the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92, and for Approval of a Draft Plan of Subdivision “Battlefield Vista” for lands known as 440 First Road West (Stoney Creek) (PED17124) (Ward 9) (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 Urban Hamilton Official Plan and Zoning By-law amendments and the Draft Plan of Subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

(Collins/Partridge)

That the public meeting be closed.

CARRIED

(Collins/Partridge)

That the staff presentation be waived.

CARRIED

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.

(Skelly/Pasuta)

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 11.

(v) **Applications for Amendment to the City of Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 162 Hess Street North (PED17146) (Ward 2) (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) Tony Ponikvar and Gabriella Wentges, 26, 28 and 29 Harriet Street

(Green/A. Johnson)

That the added written comments, Item 6.5(i), be received.

CARRIED

No members of the public came forward.

(Green/Pasuta)

That the public meeting be closed.

CARRIED

(Green/Pasuta)

That the staff presentation be waived.

CARRIED

Paul Mallard, of Paul Mallard Consulting, representing the owner, was in attendance and indicated that they are in support of the staff report.

(Partridge/Green)

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

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

Amendment CARRIED

For disposition of this matter refer to Item 12.

(vi) **Revised Application to Amend the Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 118 Hatt Street, Dundas (PED16177a) (Ward 13) (Item 6.6)**

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

6.6(i) Michael Schulte, 10 John St., Unit PH, Dundas

(Partridge/Pasuta)

That the added written comments, Item 6.6(i), be received.

CARRIED

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

(Partridge/Green)

That the staff presentation be received.

CARRIED

James Webb of Webb Planning Consultants, the agent representing the owner, was in attendance and addressed Committee and provided a history regarding the revised application. He indicated that they are in support of the staff report.

(B. Johnson/Green)

That the comments from the agent be received.

CARRIED

Speakers

1. Michael Schulte, 10 John St., Unit PH, Dundas

Michael Schulte addressed Committee and expressed concerns with the proposed removal of the trees and the position of the building close to the road.

(A. Johnson/Green)

That the delegation be received.

CARRIED

(A. Johnson/Green)

That the public meeting be closed.

CARRIED

(Pasuta/Collins)

That the recommendations be 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.

Amendment CARRIED

For disposition of this matter refer to Item 13.

(vii) Application to Amend the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 121 Fiddler's Green Road (Ancaster) (PED17152) (Ward 12) (Item 6.7)

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

6.7(i) Tom and Teresa St. Michael, 25 Douglas Road, Ancaster

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

(B. Johnson/Collins)

That the staff presentation be received.

CARRIED

Registered Speakers

1. Patricia Banyard, 19 Douglas Road, Ancaster

Patricia Banyard addressed Committee with the aid of a series of slides. A copy is available for viewing on the City's website. She outlined her concerns with this proposal and why she is not in support of this application.

2. Mark Banyard, 19 Douglas Road, Ancaster

Mark Banyard addressed Committee and expressed his concerns with this proposal.

3. Teresa St. Michael, 25 Douglas Road, Ancaster

Teresa St. Michael addressed Committee and expressed concerns with the poor maintenance of the subject property and she indicated that she is in opposition to this application.

4. Tom St. Michael, 25 Douglas Road, Ancaster

Tom St. Michael addressed Committee and expressed his opposition to this application as outlined in his submitted written comments. (Item 6.7(i)).

5. Stephen Jones, 115 Fiddler's Green Road, Ancaster

Stephen Jones addressed Committee and expressed his concerns with this proposal.

6. Frank VanHullenaar, 33 Douglas Road, Ancaster

Frank VanHullenaar addressed Committee and expressed his concerns with this proposal.

7. Janet Arsenault, 98 Fiddler's Green, Ancaster

Janet Arsenault addressed Committee and indicated that she is opposed to this application.

8. Andrew Crawford, 11 Douglas Road, Ancaster

Andrew Crawford addressed Committee and expressed his concerns with this proposal.

Sergio Manchia of UrbanSolutions Planning and Land Development Consultants, representing the owner, was in attendance and addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

Ward Councillor Lloyd Ferguson was in attendance and indicated that he is in support of this application and he will be involved with the Site Plan approval stage to address the concerns expressed by the residents.

(Partridge/Pasuta)

That the recommendations be amended by adding the following subsections (b) and (c) and re-lettering the balance accordingly:

- (b) *That the public submissions received regarding this matter did not affect the decision;***
- (c) *That the Ward Councillor must be included in all Site Plan meetings.***

Amendment CARRIED

For disposition of this matter refer to Item 14.

(g) 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) (Deferred from June 20, 2017) (Item 8.1)**

Robert Ustrzycki, Senior Project Manager, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(B. Johnson/Skelly)

That the staff presentation be received.

CARRIED

Appellant

The following speakers representing the appellant, Valery (Chedoke Browlands) Development, addressed Committee:

- 1. Charles Criminisi of AgroZaffiro LLP**
- 2. Sergio Manchia of UrbanSolutions Planning & Land Development Consultants Inc.**

Sergio Manchia provided a hand out which was distributed and a copy has been retained for the public record. He addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

3. Ken Glasbergen, Ecologist

4. Peter Williams, of Williams & Associates, Forestry Consulting Limited

(B. Johnson/Green)

That the presentations by the appellant's representatives be received.

CARRIED

For disposition of this matter refer to Item 15.

(ii) **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 8.2)**

Added Correspondence

8.2(i) Lorraine Roberts, Land Development Manager for Losani Homes requesting that Item 8.2 be TABLED.

(B. Johnson/Skelly)

That Item 8.2, 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) be TABLED until the next meeting on September 5, 2017.

CARRIED

(h) **GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

Councillor Collins recognized the efforts of Patrick MacDonald, Solicitor with Legal Services and other staff which resulted in the City winning the appeal at the Ontario Municipal Board (OMB) for 971 Beach Boulevard.

(i) **Outstanding Business List (Item 11.1)**

(Partridge/A. Johnson)

(a) That the following Items be removed:

Item "V" – Staff to report back after September 15, 2017, on the outcome and ramifications of the revised Hamilton Adequate Heat By-law No. 04-091 (Item 5.4)

Item "BB" – That staff be directed to investigate the feasibility of the City purchasing the Mountain Secondary School surplus lands to

meet the needs of the Rolston/Yeoville neighbourhoods for more green space and report back to the Planning Committee. (Item 5.1)

Item “JJ” - Correspondence from the Minister of Municipal Affairs respecting the Updated Growth Plan and Greenbelt Plans released as a result of the Co-ordinated Land Use Planning Review referred to the GM for a report to the Planning Committee. (Item 8.3 on this agenda.)

Item “LL” - That Report PED17096 respecting “Application for a Permit to Injure or Destroy Trees in a Woodland and the appeal from Valery be deferred to the August 15, 2017 meeting. (Item 8.1 on this agenda.)

CARRIED

(i) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Items without moving into Closed Session:

- (i) Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and Revisions to Draft Plan of Subdivision 25T-200908, for Lands Located at 198 First Road West and 165 Upper Centennial Parkway (Stoney Creek) (LS17025/PED17025(a)) (Ward 9) (Item 12.1)**

For disposition of this matter refer to Item 19.

- (ii) Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and Revisions to Draft Plan of Subdivision 25T-201503, for Lands Located at 165 Upper Centennial Parkway (Stoney Creek) (LS17024/PED17026(a)) (Ward 9) (Item 12.2)**

For disposition of this matter refer to Item 20.

- (iii) Settlement of OMB Case No. MM150081 re Protest of Payment of Part Lot Control Fees for Development at 1155 West 5th Street (LS17029/PED17158) (Ward 8) (Item 12.3)**

For disposition of this matter refer to Item 21.

(j) ADJOURNMENT (Item 13)

(Skelly/Partridge)

That, there being no further business, the Planning Committee be adjourned at 2:15 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk