



## **PLANNING COMMITTEE**

### **REPORT 17-018**

**9:30 a.m.**

**Tuesday, October 31, 2017**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Councillors M. Pearson (Chair), A. Johnson (1<sup>st</sup> Vice-Chair), J. Farr (2<sup>nd</sup> Vice Chair) M. Green, C. Collins, D. Conley, B. Johnson, and D. Skelly,

**Absent with regrets** Councillors R. Pasuta and J. Partridge, personal

### **THE PLANNING COMMITTEE PRESENTS REPORT 17-018 AND RESPECTFULLY RECOMMENDS:**

**1. Former Hamilton Psychiatric Hospital Lands Consultation Summary (PED16254(c)) (Ward 7) (Item 5.1)**

That Report PED16254(c) respecting Former Hamilton Psychiatric Hospital Lands Consultation Summary, be received.

**2. Appeal to the Ontario Municipal Board (OMB) regarding Rural Hamilton Official Plan Amendment Application RHOPA-14-001, Zoning By-law Amendment Application ZAR-15-002 and Plan of Subdivision Application 25T-201403 for Lands Located at 34 11<sup>th</sup> Concession Road East & 1800 Highway No. 6 (Flamborough) (PED17176) (Ward 15) (Item 5.2)**

That Report PED17176 respecting Appeal to the Ontario Municipal Board (OMB) regarding Rural Hamilton Official Plan Amendment Application RHOPA-14-001, Zoning By-law Amendment Application ZAR-15-002 and Plan of Subdivision Application 25T-201403 for Lands Located at 34 11<sup>th</sup> Concession Road East & 1800 Highway No. 6 (Flamborough), be received.

- 3. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook) (PED17177) (Ward 11) (Item 5.3)**

That Report PED17177 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), be received.

- 4. Appeal of Urban Hamilton Official Plan Amendment application UHOPA-16-019 and Zoning By-law Amendment application ZAC-16-054 to the Ontario Municipal Board (OMB) for Lack of Decision for Lands Located at 3100-3140 Regional Road No. 56 and Block 131 of Registered Plan of Subdivision 62M-1062 (Glanbrook) (PED17180) (Ward 11) (Item 5.4)**

That Report PED17180 respecting Appeal of Urban Hamilton Official Plan Amendment application UHOPA-16-019 and Zoning By-law Amendment application ZAC-16-054 to the Ontario Municipal Board (OMB) for Lack of Decision for Lands Located at 3100-3140 Regional Road No. 56 and Block 131 of Registered Plan of Subdivision 62M-1062 (Glanbrook), be received.

- 5. Supply of Emergency Generators (PED17186) (City Wide) (Outstanding Business List Item) (Item 5.5)**

That Report PED17186 respecting Supply of Emergency Generators, be referred to the Emergency and Community Services Committee for consideration in addition to the information researched by staff regarding the procedures used by the City of Orillia in conjunction with Orillia Power Corporation when there is a large power outage.

- 6. Hamilton Municipal Heritage Committee Report 17-009, October 19, 2017 (Item 5.6)**

**(a) Heritage Permit Applications - Delegated Approvals**

- (i) Heritage Permit Application HP2017-059, Replacement of south cemetery wall, 1156-1160 Wilson Street West, Ancaster, By-law No. 93-68**

That the Item 5.1(a), Delegated Approval for Heritage Permit Applications, be received.

**(b) Recommendation to Designate The Vimy Memorial Oak Tree Located at 79 Hamilton Street North, Flamborough Under Part IV of the Ontario Heritage Act (PED17182) (Ward 15)**

- (i) That the designation of the Vimy Memorial Oak Tree as a resource of cultural heritage value, located at 79 Hamilton Street North, Flamborough, and shown in Appendix “A” to Report PED17182, be APPROVED pursuant to the provisions of Part IV of the *Ontario Heritage Act*;
- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “A” to Report 17-018, be APPROVED; and,
- (iii) That the City Clerk be directed to take appropriate action to designate the Vimy Memorial Oak Tree, located at 79 Hamilton Street North, Flamborough, under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED17182.

**(c) Preliminary Screening for the Request to Designate 2 Hatt Street, Dundas, Under Part IV of the Ontario Heritage Act (Ward 13) (PED17187)**

- (i) That Council direct and authorize staff to undertake a Cultural Heritage Assessment of 2 Hatt Street, Dundas, shown in Appendix “A” to Report PED17187, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the *Ontario Heritage Act*;
- (ii) That the Cultural Heritage Assessment work be assigned a high priority and be added to staff’s work plan for completion and presentation to the Hamilton Municipal Heritage Committee no later than July 1, 2018, as per the attached Appendix “G” to Report PED17187;
- (iii) That, should the Cultural Heritage Assessment determine that 2 Hatt Street, Dundas is of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the *Ontario Heritage Act*;
- (iv) Pursuant to Section 27(5) of the *Ontario Heritage Act*, that the Hamilton Municipal Heritage Committee request that Council require that any notice of intention to demolish or remove any structure or building on the registered property shown in Appendix “A” of Report PED17187, include a Cultural Heritage Impact

Assessment report, to the satisfaction and approval of the Director of Planning and Chief Planner; and,

- (v) That a copy of Report PED17187 be forwarded to the property owner for information.
- (d) Notice of Intention to Demolish Detached Garage at 22-24 Charlton Avenue West, Hamilton (Ward 2) (PED17188)**
  - (i) That no immediate action be taken to prevent the demolition of the detached garage at the 22-24 Charlton Avenue West, Hamilton; and,
  - (ii) That 22-24 Charlton Avenue West, Hamilton remain on the designation work plan for completion of a Cultural Heritage Assessment in 2026.
- (e) For Comment: Review Draft of A Guide to Cultural Heritage Resources in the Land Use Planning Process, Ministry of Tourism, Culture and Sport**

That the Review Draft of “A Guide to Cultural Heritage Resources in the Land Use Planning Process”, from the Ministry of Tourism, Culture and Sport, be received.

**7. Delegations from The Green Organic Dutchman Holdings Limited and Beleave Inc. respecting the Legal, Medical Cannabis Industry and the City’s Zoning Regulation (Item 6.2 and added Item 4.1)**

That the Clerk for the Agriculture and Rural Affairs Committee be directed to send invitations to both delegations who attended the October 31, 2017 Planning meeting (The Green Organic Dutchman Holdings Limited and Beleave Inc.) to appear before the Agriculture and Rural Affairs Committee.

**8. City Initiative to Amend City of Hamilton Zoning By-law No. 05-200 and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street (Stoney Creek) (Ward 11)(PED17189) (Item 6.3)**

- (a) That City Initiative CI-17-D, to rezone the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, from Prestige Business Park (M3) Zone in Zoning By-law No. 05-200, to Neighbourhood Development “ND” Zone, in City of Stoney Creek Zoning By-law No. 3692-92, as shown on the attached map marked as Appendix “A” to Report PED17189, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED17189, 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 PED17189, be added to Map No. 1311 of Schedule “A” – Zoning Maps, of Zoning By-law No. 05-200.
  - (b) That the public submissions received regarding this matter did not affect the decision.
- 9. Administrative Penalty System Applied to the Responsible Animal Ownership By-Law 12-031 and the Feeding of Wildlife By-Law 12-130 (PED17165(a)) (City Wide) (Item 8.1)**
- (a) That Administrative Penalty System (APS) be applied to By-law 12-031, the By-law for Responsible Animal Ownership and By-law 12-130, the By-law to Regulate the Feeding of Wildlife;
  - (b) That subject to approval of recommendation (a), the Administrative Penalty System (APS) By-law 15-138 be repealed and replaced, with the by-law attached as Appendix “A” to Report PED17165(a) which has been prepared in a form satisfactory to the City Solicitor be approved.
- 10. Waiving the Requirement for Road Widening at 11-15 Cannon Street West (Item 9.1)**

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

WHEREAS, a Site Plan Application (DA-17-110) has been submitted for 11 – 15 Cannon Street West for the approval of a six storey multiple dwelling with commercial at grade;

WHEREAS, a road widening has been identified for Cannon Street West through DA-17-110;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the requirement for a road widening for 11 – 15 Cannon Street West (Site Plan Application DA-17-110) in order to facilitate redevelopment of the site for a six storey multiple dwelling with commercial at grade.

**11. Vehicle Inspection Station (PED17191) (City Wide) (Item 12.1)**

That the staff recommendations of Report PED17191 be approved and the recommendations and the report remain private and confidential, pending Council approval.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**1. ADDED DELEGATION REQUEST**

- 4.1 Bill Panagiotakopoulos, Beleave Inc. respecting Councillor Ferguson's motion regarding the marijuana industry and related zoning regulations. (For today's meeting.)

**2. ADDED CORRESPONDENCE**

- 6.3(i) Raymond Beshro, CN Community Planning and Development respecting Item 6.3 City Initiative to Amend City of Hamilton Zoning By-law No. 05-200 and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street (Stoney Creek) (PED17189).

The agenda for the October 31, 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) October 17, 2017 (Item 3.1)**

The Minutes of the October 17, 2017 meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

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

- 1. Bill Panagiotakopoulos, Beleave Inc. respecting Councillor Ferguson's motion regarding the marijuana industry and related zoning regulations. (Added Item 4.1)

**(e) CONSENT ITEMS (Item 5)**

- (i) **Appeal of Urban Hamilton Official Plan Amendment application UHOPA-16-019 and Zoning By-law Amendment application ZAC-16-054 to the Ontario Municipal Board (OMB) for Lack of Decision for Lands Located at 3100-3140 Regional Road No. 56 and Block 131 of Registered Plan of Subdivision 62M-1062 (Glanbrook) (PED17180) (Ward 11) (Item 5.4)**

The City Solicitor and Chief Planner were directed to provide an update at the November 14, 2017 Planning Committee meeting regarding the Losani Homes' appeal of their application for Official Plan and Zoning By-law Amendments to permit 3½ storey mixed use buildings in Binbrook and also the status of discussions with Losani Homes respecting their sign variance application.

For further disposition of this matter refer to Item 4.

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

- (i) **Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. respecting Site Plan Application No. SPA-15-136 and Sign Variance Application No. SV-17-010 on behalf of the applicant, Mr. Gary Waxman. (Approved October 17, 2017) (No copy) (Item 6.1)**

Sergio Manchia, of UrbanSolutions Planning & Land Development Consultants Inc. addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The delegation was received.

- (ii) **Ian Wilms of The Green Organic Dutchman Holdings Limited, respecting update on building plans for the Legal, Medical Cannabis Industry and to explain their work (Approved October 17, 2017.) (No copy) (Item 6.2)**

Ian Wilms of The Green Organic Dutchman Holdings Limited addressed Committee and provided a hand-out. Copies were distributed and a copy has been retained for the public record and is available for viewing on the City's website. Mary-Lynne Howell who handles Community Affairs for the company was also in attendance and responded to questions from Committee.

The delegation was received.

For further disposition of this matter refer to Item 7.

**(iii) Bill Panagiotakopoulos, Beleave Inc. respecting Councillor Ferguson's motion regarding the marijuana industry and related zoning regulations. (For today's meeting.) (Added Item 4.1)**

Gordon Harvey of Beleave Inc. addressed Committee and read from a prepared statement. Bill Panagiotakopoulos and Gordon Harvey responded to questions from Committee.

The delegation was received.

As Councillor Ferguson's motion is tabled at Council, a motion to refer this motion to the Agriculture and Rural Affairs Committee for consideration (below) would only be in order at Council when the motion is on the floor:

That staff be directed to forward Councillor Ferguson's motion respecting "Regulatory and Land Use Planning Framework for the Marijuana Industry" to the Agriculture and Rural Affairs Committee for consideration;

For further disposition of this matter refer to Item 7.

**(iv) City Initiative to Amend City of Hamilton Zoning By-law No. 05-200 and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street (Stoney Creek) (PED17189) (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 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) Raymond Beshro, CN Community Planning and Development'

The added written comments were received.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

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

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

For disposition of this matter refer to Item 8.

**(g) NOTICES OF MOTION (Item 10)**

Councillor Green introduced the following Notice of Motion:

**(i) Community Improvement Plan Incentives (Item 10.1)**

That staff be directed to report back on the feasibility of limiting Development Charge reductions, Parkland Dedication Fee reductions or any Community Improvement Plan incentives to the regulated height and density restrictions of the Council adopted Official Plan and/or Zoning By-law with full fees to be applied to all height and density that surpass the restrictions.

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

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

- (a) The following Item was removed:

Item "M" - That the Vital Services By-law require Landlords to provide Mandatory Emergency Generators to meet the health equipment needs of tenants. (Item 5.5 on this agenda.)

- (b) The new due date of the following Item was approved:

Item "K" - Report back with Terms of Reference for Community Energy Plan (i.e. renewable such as solar energy)  
Due date: October 31, 2017  
New due date: February 20, 2018

**(i) PRIVATE AND CONFIDENTIAL (Item 12)**

**(i) Vehicle Inspection Station (PED17191) (City Wide) (Distributed under separate cover) (Item 12.1)**

*Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 14-300 and Section 239(2), Sub-section (b) of the Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees.*

Committee approved the staff recommendations without moving into Closed Session.

For disposition of this matter refer to Item 11.

**(j) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee was adjourned at 11:02 a.m.

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

## **Statement of Cultural Heritage Value**

### **Description of Property**

The Vimy Memorial Oak Tree is located at 79 Hamilton Street North, Flamborough, on the property of Legion Branch 551 within the community of Waterdown. The tree is located on the northeast corner of the property (corner of White Oaks Drive and Hamilton Street North) adjacent to the War Memorial.

### **Statement of Cultural Heritage Value or Interest**

The reason for designation is to recognize the Vimy Memorial Oak Tree's historical / associative value in connection with the Battle of Vimy Ridge as well as to highlight its contextual value in its current location.

The tree contains historical / associative value as a living symbol of remembrance of Vimy Ridge and the Canadian soldiers who served in the First World War. The tree maintains lineage to the English oak trees which once grew on Vimy Ridge and were completely destroyed by the shelling of the battle. Through the efforts of Lieutenant Leslie H. Miller of the Canadian Signal Corps, small acorns that were collected have produced a forest of oaks in Scarborough, Ontario which have subsequently propagated new life and meaning across Canada through the grafting, growth, and distribution of saplings. In connection with the 100<sup>th</sup> Anniversary of the Battle of Vimy Ridge, these descendants of the original oaks provide a legacy of commemoration and sacrifice.

The Vimy Memorial Oak Tree contains contextual value in its location on the property of the Legion Branch 551 (Waterdown), its adjacency to the War Memorial, and its location near other local memorials in Waterdown.

### **Description of Heritage Attributes**

The designation of the Vimy Memorial Oak Tree does not pertain to the wider property at 79 Hamilton Street North, Flamborough or any other natural or built heritage features on the property.

Key attributes include the tree itself including all natural features: its full form, trunk, crown, limbs, branches and any other attached elements. Its planted location at the corner of White Oaks Drive and Hamilton Street North is also listed as having importance.