



PLANNING COMMITTEE

MINUTES 13-008

9:30 am

Tuesday, May 14, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors J. Farr (Chair), B. Johnson (1st Vice Chair), J. Partridge (2nd Vice Chair), B. Clark, C. Collins, L. Ferguson, M. Pearson and T. Whitehead

Absent with Regrets: Councillor R. Pasuta - personal

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy) (Ward 2) (PED13088) (Item 5.1)**

(Pearson/Whitehead)

That Report PED13088, Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy) (Ward 2), be received.

CARRIED

- 2. Annual Report on Building Permit Fees (PED13090) (City Wide) (Item 5.2)**

(Pearson/Whitehead)

That Report PED13090, Annual Report on Building Permit Fees (PED13090) (City Wide), be received.

CARRIED

3. **Application for a Change in Zoning for 158 and 162 Locke Street South (Hamilton) (PED13081) (Ward 1) (Item 6.1)**

(Clark/Johnson)

That approval be given to Amended Zoning Application ZAR-12-061, by 1521061 Ontario Inc., Owner, for changes in zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "G-3 - 'H'/S-1666" (Public Parking Lot - Holding) District, Modified, with a Special Exception and a Holding provision (Block 1), and from the "H" (Community Shopping & Commercial, Etc.) District to the "H/S-1666" (Community Shopping & Commercial, Etc.) District, Modified, with a Special Exemption, to permit a private commercial parking lot on portions of the subject lands to the rear of the existing buildings, on lands municipally known as 158 and 162 Locke Street within Part of Lot 18, Concession 3, Former Township of Barton, now in the City of Hamilton, as shown on Appendix "A" to Report PED13081, on the following basis:

- (a) That the draft By-law, attached as Appendix "C" to Report PED13081, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1666, and that the subject lands on Zoning District Maps W-13 and W-14 be notated as S-1666;
- (c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for the City of Hamilton.

CARRIED

4. **Application for an Amendment to the City of Hamilton Zoning By-law 6593 for Lands Located at 149 Young Street (Hamilton) (PED13079) (Ward 2) (Item 6.2)**

(Pearson/Whitehead)

That approval be given to Zoning By-law Amendment Application ZAC-12-045, by GS Maher Property Holdings Ltd., Owner, for a change in Zoning from the "E/S-357" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, to the "RT-30/S-1668" (Street - Townhouse) District, Modified, with a Special Exception, to permit 7 street townhouse dwellings, on lands located at 149 Young Street (Hamilton), as shown on Appendix "A" to Report PED13079, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (b) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as “RT-30/S-1668”;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement, and conforms to the Places To Grow Growth Plan, the Hamilton-Wentworth Official Plan, and City of Hamilton Official Plan;
- (d) That the Ward Councillor be involved with discussions and in the site plan process.

CARRIED

5. Pan Am Stadium – Update and Follow-up to Report PED12218 (no copy) (Item 7.1)

(Pearson/Whitehead)

That Report PED12218, Pan Am Stadium – Update and Follow-up, be received.

CARRIED

6. Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands (PED11052(a)) (Ward 13) (Item 8.1)

(/)

- (a) That the City of Hamilton supports the policies and mapping contained in the second draft of proposed Niagara Escarpment Plan Amendment (NEPA) 179, dated February 21, 2013, attached as Appendix “A” to Report PED11052(a), for the Pleasantview lands, generally bounded by Valley Road, Patterson Road, Highway 6, and the Canadian National Railway (CNR Line)/Royal Botanical Gardens and Highway 403, with the exception of the following matters:
 - (i) That the lands (Areas 1 to 4 illustrated on Schedule “A” to Appendix “A” of Report PED11052(a)) fronting on York Road, extending up Valley Road and adjacent to the Escarpment, be designated as one consistent designation, which may be Escarpment Protection Area or Escarpment Rural Area;
 - (b) That the City of Hamilton objects to the wording contained in Clause 4.c) in the second draft of proposed Niagara Escarpment Plan Amendment (NEPA) 179, dated February 21, 2013, attached as Appendix “A” to Report PED11052(a), for the following reasons and requests:
 - (i) That Clause 4.c) in NEPA 179 be amended by deleting the words “an existing” and “of record” so the Policy reads as follows:

“Notwithstanding the provision set out in a) ii) above, a single detached dwelling may be permitted on a lot with a minimum size of 10 hectares (25 acres) in accordance with the Development Criteria of the Plan” so the clause reflects the 1995 Ontario Municipal Board decision and the current Dundas Official Plan (OP);

- (c) That the City of Hamilton objects to the following site-specific uses contained in the second draft of proposed Niagara Escarpment Plan Amendment (NEPA) 179, dated February 21, 2013, attached as Appendix “A” to Report PED11052(a), for the property located at Nos. 154 and 574 Northcliffe Road (Sisters of St. Joseph) since they do not conform to the City’s planning documents and, therefore, are inappropriate for inclusion within the NEPA:
- (i) Children’s Day Nursery;
 - (ii) Educational Establishment;
 - (iii) School and School Lodging;
 - (iv) Retirement Home, including a Long Term Seniors Care Facility;
 - (v) Hospital, Health Care Centre, including Medical Clinic and Offices; and,
 - (vi) Residential Care Facility, including a Group Home without restrictions.
- (d) That the City of Hamilton does not object to the following site specific uses for the property located at No.154 Northcliffe Avenue (Sisters of the Precious Blood), provided the uses are contained with the existing building only:
- (i) Place of Worship; and,
 - (ii) Convent.
- (e) That the City of Hamilton does not object to the following site specific uses for the property located at No.574 Northcliffe Avenue (Sisters of St. Josephs), provided the uses are contained with the existing building only:
- (i) Place of Worship;
 - (ii) Convent;
 - (iii) Residential care facility for a maximum of 35 residents; and,
 - (iv) a dormitory with a maximum of 36 students and accessory uses for an educational establishment provided it is located in conjunction with the convent of the Sisters of St. Josephs.
- (d) That the City Clerk be directed to forward a copy of staff Report PED11052(a) to the Niagara Escarpment Commission.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

- 4.1 Delegation request from Matt Johnson respecting Item 8.1, Proposed Niagara Escarpment Plan Amendment (PED11052(a)), on today's agenda

(Pearson/Johnson)

That the Agenda for the May 14, 2013 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) April 30, 2013

(Collins/Whitehead)

That the Minutes of the April 30, 2013 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

- (i) Delegation request from Matt Johnson respecting Item 8.1, Proposed Niagara Escarpment Plan Amendment (PED11052(a)), on today's agenda (Item 4.1)**

(Collins/Whitehead)

That the delegation request from Matt Johnson respecting Item 8.1, Proposed Niagara Escarpment Plan Amendment (PED11052(a)), be approved for today's agenda.

CARRIED

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for a Change in Zoning for 158 and 162 Locke Street South (Hamilton) (PED13081) (Ward 1) (Item 6.1)

In accordance with the provision of the Planning Act, Chair J. Farr 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 approves the change in zoning, 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.

(Whitehead/Pearson)

That the staff presentation respecting Report PED13081, Application for a Change in Zoning for 158 and 162 Locke Street South (Hamilton), be waived.

CARRIED

Public Speakers:

1. Sergio Manchia, IBI Group

Mr. Manchia, on behalf of his client, requested that the by-law be amended in section 7(a), by adding reference to Poulette Dr.

(Whitehead/ Ferguson)

That the public presentation respecting Report PED13081, Application for a Change in Zoning for 158 and 162 Locke Street South (Hamilton), be received.

CARRIED

(Whitehead/ Ferguson)

That the public hearing respecting Report PED13081, Application for a Change in Zoning for 158 and 162 Locke Street South (Hamilton), be closed.

CARRIED

James Webb, agent, indicated that he does not agree that the amendment requested by Mr. Manchia is necessary.

(Pearson/Whitehead)

That the agent's presentation respecting Report PED13081, Application for a Change in Zoning for 158 and 162 Locke Street South (Hamilton), be received.

CARRIED

For disposition on this Item, refer to item 3.

(ii) Application for an Amendment to the City of Hamilton Zoning By-law 6593 for Lands Located at 149 Young Street (Hamilton) (PED13079) (Ward 2) (Item 6.2)

In accordance with the provision of the Planning Act, Chair J. Farr 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 approves 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.

Timothy Lee, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Whitehead)

That the staff presentation respecting Report PED13079, Application for an Amendment to the City of Hamilton Zoning By-law 6593 for Lands Located at 149 Young Street (Hamilton), be received.

CARRIED

Public Speakers:

1. Pat Wilson – 161 Young St., Hamilton, ON L8N 1U2

Ms. Wilson expressed concern for traffic and the young children in the area.

(Whitehead/Pearson)

That the public presentation respecting Report PED13079, Application for an Amendment to the City of Hamilton Zoning By-law 6593 for Lands Located at 149 Young Street (Hamilton), be received.

CARRIED

(Pearson/Whitehead)

That the public hearing respecting Report PED13079, Application for an Amendment to the City of Hamilton Zoning By-law 6593 for Lands Located at 149 Young Street (Hamilton), be closed.

CARRIED

(Pearson/Whitehead)

That the recommendations to report PED13079, Application for an Amendment to the City of Hamilton Zoning By-law 6593 for Lands Located at 149 Young Street (Hamilton), be amended by adding a new sub-section (d), to read as follows:

“(d) That the Ward Councillor be involved with discussions and in the site plan process.”

Amendment CARRIED

For disposition on this Item, refer to item 4.

(f) PRESENTATIONS (Item 7)

(i) Pan Am Stadium – Update and Follow-up to Report PED12218 (no copy) (Item 7.1)

Heather Travis, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation was included in the public record.

For disposition on this Item, refer to item 5.

(g) DISCUSSION ITEMS (Item 8)

(i) Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands (PED11052(a)) (Ward 13) (Item 8.1)

(Pearson/Clark)

That Report PED11052(a), Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands, be lifted from table.

CARRIED

Joanne Hickey-Evans, Manager, Planning Policy and Zoning By-Law Reform, indicated that the amendment is supported by staff.

Matt Johnston, on behalf of his client's Sisters of Saint Joseph, indicated that they are in agreement with the amendments.

(Pearson/Patridge)

That the delegation from Matt Johnson, respecting Report PED11052(a), Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands, be received.

CARRIED

(Pearson/Clark)

That the recommendations contained in Report PED11052(a), Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands, be amended by:

- (a) Deleting sub-section (c) in its entirety and replacing it with a new sub-section (c) as follows:

“(c) That the City of Hamilton objects to the following site-specific uses contained in the second draft of proposed Niagara Escarpment Plan Amendment (NEPA) 179, dated February 21, 2013, attached as Appendix “A” to Report PED11052(a), for the property located at Nos. 154 and 574 Northcliffe Road (Sisters of St. Joseph) since they do not conform to the City's planning documents and, therefore, are inappropriate for inclusion within the NEPA:

- (i) Children's Day Nursery;
- (ii) Educational Establishment;
- (iii) School and School Lodging;
- (iv) Retirement Home, including a Long Term Seniors Care Facility;
- (v) Hospital, Health Care Centre, including Medical Clinic and Offices; and,
- (vi) Residential Care Facility, including a Group Home without restrictions.”

- (b) That new sub-sections (d) and (e) be added to read as follows and that the remaining recommendations be re-numbered accordingly:

“(d) That the City of Hamilton does not object to the following site specific uses for the property located at No.154 Northcliffe Avenue (Sisters of the Precious Blood), provided the uses are contained with the existing building only:

- (i) Place of Worship; and,
 - (ii) Convent.
- (e) That the City of Hamilton does not object to the following site specific uses for the property located at No.574 Northcliffe Avenue (Sisters of St. Josephs), provided the uses are contained with the existing building only:
- (i) Place of Worship;
 - (ii) Convent;
 - (iii) Residential care facility for a maximum of 35 residents; and,
 - (iv) a dormitory with a maximum of 36 students and accessory uses for an educational establishment provided it is located in conjunction with the convent of the Sisters of St. Josephs.”

Amendment CARRIED

For disposition on this Item, refer to item 6.

(h) MOTIONS (Item 9)

(i) Discarded Cigarette Butts around Hamilton Hospitals (Item 9.1)

Councillor Farr withdrew his motion respecting Discarded Cigarette Butts around Hamilton Hospitals.

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

(i) Outstanding Business List Amendments (Item 11.1)

That the following Outstanding Business List due dates be revised:

(Johnson/Pearson)

(aa) Item H: Municipal Services and Property Taxation on Condo Properties

Current Due Date: May 14, 2013

Proposed Due Date: TBD

CARRIED

(Clark/Pearson)

That the following items be removed from the Outstanding Business List:

- (aa) Item E: Hess Village Paid Duty Program
- (bb) Item Q: Pan Am Stadium (PED12218)
- (cc) Item S: Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy) (b) only

CARRIED

(ii) News from the General Manager (Item 11.2)

The General Manager provided updates of current events and initiatives within the department.

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – April 30, 2013 (Item 12.1)

(Pearson/Clark)

That the Closed Session Minutes of April 30, 2013 be approved as presented and remain confidential.

CARRIED

(ii) Settlement of claims made under the Expropriations Act arising from the expropriation of part of 1496 Upper Gage Avenue being Parts 3 and 4 on Expropriation Plan LT494229 – OMB File No. LC110037, and Settlement of the Appeal before the OMB, being OMB File No. PL070019 relating to the Consent/Land Severance of 1496 Upper Gage Avenue by Applications B169/06; B170/06; B171/06; and B172/06 Consent/Land Severance- OMB Case No.PL070019 (LS13017) (City Wide) (Item 12.2)

(Ferguson/Collins)

That Report LS13017, Settlement of claims made under the Expropriations Act arising from the expropriation of part of 1496 Upper Gage Avenue being Parts 3 and 4 on Expropriation Plan LT494229 – OMB File No. LC110037, and Settlement of the Appeal before the OMB, being OMB File No. PL070019 relating to the Consent/Land Severance of 1496 Upper Gage Avenue by Applications B169/06; B170/06; B171/06; and B172/06 Consent/Land Severance- OMB Case No.PL070019 (City Wide), be referred to the June 18, 2013 meeting of the Planning Committee.

CARRIED

(k) ADJOURNMENT

(Ferguson/Collins)

That, there being no further business, the Planning Committee adjourn at 11:23 a.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk