



PLANNING COMMITTEE

MINUTES 17-019

9:30 a.m.

Tuesday, November 14, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors 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

Absent with regrets Councillors M. Pearson (Chair), personal

Also Present: Councillors T. Jackson and L. Ferguson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Appeal of the Denial to Issue a Permit to Injure or Destroy Trees in a Woodland Chronological History (PED17096(a)) (Ward 8) (Outstanding Business List Item) (Item 5.1)**

(Green/B. Johnson)

That Report PED17096(a) respecting Appeal of the Denial to Issue a Permit to Injure or Destroy Trees in a Woodland Chronological History, be received.

CARRIED

2. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED17192) (City Wide) (Item 5.2)**

(Partridge/Conley)

That Report PED17192 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Licensing Short Term Rentals (PED17203) (City Wide) (Outstanding Business Item) (Item 5.3)

(Collins/Skelly)

That Report PED17203 respecting Licensing Short Term Rentals (PED17203) (City Wide) (Outstanding Business Item), be received.

CARRIED

4. Application to Amend the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 952 – 954 Concession Street, (Hamilton) (Ward 6) (PED17193) (Item 6.1)

(Partridge/Skelly)

(a) That Amended Zoning By-law Amendment Application ZAR-17-010, by Sammani 786 Inc., Owner, for a change in zoning from the “G-3” (Public Parking Lots) District (Block 1), and from the “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified (Block 2), to the “G-4/S-1214b” (Designed Neighbourhood Shopping Area) District, Modified, in City of Hamilton Zoning By-law No. 6593, to permit a mixed use building containing an Animal Hospital (veterinary clinic) on the ground floor of the existing building, and three (3) residential dwelling units within a proposed second storey addition, on the lands located at 952 – 954 Concession Street, Hamilton, as shown on Appendix “A” to Report PED17193, be DENIED for the following reasons:

- (i) That proposal would result in over intensification of the subject lands;
- (ii) The proposal is not compatible with the existing residential neighbourhood;
- (ii) The proposal will exasperate the existing parking situation which is problematic due to overflow from Juravinski Hospital,

(b) That the public submissions received regarding this matter supported the denial of the application.

CARRIED

5. City Initiated Zoning By-law Amendment for Lands Located at 357 Wilson Street East (Ancaster Arts Centre) (Ward 12) (PED17195) (Item 6.2)

(Farr/Collins)

(a) That the City-initiated Zoning By-law Amendment CI-17-005, for changes in zoning from the Institutional “I” Zone (Ancaster Zoning By-law 87-57) to the Community Institutional (I2, 644, H96) Zone (Zoning By-law 05-200), with a Special Exception and Holding Provision, and to the Conservation/Hazard Land (P5) Zone, to facilitate the development of the

Ancaster Arts and Cultural Centre and a Multiple Dwelling, as shown on Appendix “A” to Report PED17195, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED17195, 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 (Places to Grow), and complies with the Urban Hamilton Official Plan;
- (b) That the amending By-law apply the following Holding Provision in accordance with Section 36(1) of the *Planning Act*, Holding Symbol ‘H96’ as a suffix to the proposed Zone. The Holding Provision ‘H’ shall not be removed until such time as an Archaeological Assessment be completed, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Tourism, Culture and Sport;
- (c) ***That the public submissions received regarding this matter supported the granting of the application.***

Main Motion, as Amended, CARRIED

6. Application for Amendment to the Rural Hamilton Official Plan and City of Hamilton Zoning By-law for lands located at 582, 626, 632, 634 and 638 Brock Road, 790, 798, 822, 826 and 832 Concession 4 West, and 520, 526, 532, 536, 540, 542, 546, 550, 554, 559, 564, 565, 568, 580 and 588 Moxley Road, Flamborough (Ward 14) (PED17194) (Item 6.3)

(Pasuta/Conley)

- (a) That approval be given to Amended Rural Hamilton Official Plan Amendment Application RHOPA-13-015, by Lafarge Canada Inc. (Owner), to re-designate a portion of the subject lands from “Rural” to “Mineral Aggregate Extraction Area” and to establish a Site Specific Policy Area on a portion of the subject lands to permit the extraction of mineral aggregate resources, for lands located at 582, 626, 632, 634 and 638 Brock Road, 790, 798, 822, 826 and 832 Concession 4 West, and 520, 526, 532, 536, 540, 542, 546, 550, 554, 559, 564, 565, 568, 580 and 588 Moxley Road (Flamborough), as shown on Appendix “A” to Report PED17194, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17194, be adopted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Greenbelt Plan.

- (b) That approval be given to Amended Zoning By-law Amendment Application ZAC-13-051 by Lafarge Canada Inc., (Owner), for a change in zoning from the Agricultural (A) Zone in the Town of Flamborough Zoning By-law No. 90-145-Z to the Extractive Industrial (M12, 658) Zone and the Open Space (P4) Zone in the City of Hamilton Zoning By-law 05-200, for lands located at 582, 626, 632, 634 and 638 Brock Road, 790, 798, 822, 826 and 832 Concession 4 West, and 520, 526, 532, 536, 540, 542, 546, 550, 554, 559, 564, 565, 568, 580 and 588 Moxley Road (Flamborough), as shown on Appendix "A" to Report PED17194, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED17194, 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 Greenbelt Plan, and will comply with the Rural Hamilton Official Plan upon finalization of Rural Hamilton Official Plan Amendment No. ___.
- (c) That staff be directed to notify the Ministry of Natural Resources that the City of Hamilton's objections to the *Aggregate Resources Act* License Application, by Lafarge Canada Inc., for the subject lands, have been resolved; and that the City of Hamilton no longer has an objection to the issuance of a License under the ARA for the subject lands, in accordance with the ARA Site Plans, once the subject Official Plan Amendment and Zoning By-law Amendment are in full force and effect;
- (d) ***That the public submissions received regarding this matter supported the granting of the application.***

Main Motion, as Amended, CARRIED

- 7. Sign Variance Appeal SV-16-020 for the property known as 442 Millen Road, Stoney Creek, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED17145) (Ward 10) (Deferred September 19, 2017) (Item 8.1)**

(Collins/Conley)

WHEREAS, an Application to the Sign Variance request to permit third party advertising on the existing Ground Sign, for the property located at 442 Millen Road, Stoney Creek, has been denied by the Director of Planning and Chief Planner.

WHEREAS, the applicant has made presentation to Planning Committee appealing the decision of the Director of Planning and Chief Planner.

WHEREAS, the Ward Councillor has been working with the applicant and staff regarding this matter for some time and has no issue with the current use (third

party advertising) on the existing sign and the councillor has received no concerns regarding this sign or the advertising placed on it.

NOW THEREFORE BE IT RESOLVED:

That the Sign Variance Appeal SV16-020 by Calitor Group for lands located at 442 Millen Road, Stoney Creek (PED17162) (Ward 10), be APPROVED and that the Ministry of Transportation (MTO) be so advised.

CARRIED

8. Business Licensing By-law 07-170- Review and Replacement of Limousines (Schedule 8)(PED17201) (City Wide) (Item 8.2)

(Farr/Skelly)

That the Business Licensing By-law 07-170 be amended by replacing Limousines (Schedule 8) in accordance with the amending by-law, attached as Appendix "A" to Report PED17201 which has been prepared in a form satisfactory to the City Solicitor.

CARRIED

9. North Hannon Neighbourhood Plan Amendment for the Removal of the Anchor Road Extension (Hamilton) (Ward 6) (PED17205) (Item 8.3)

(B. Johnson/Conley)

That the North Hannon Neighbourhood Plan be amended to remove the future extension of Anchor Road, as shown on Appendix "A" to Report PED17205, and be APPROVED.

CARRIED

FOR INFORMATION:

Steve Robichaud, Planning Director and Chief Planner, addressed Committee with the aid of a PowerPoint presentation and outlined staffing changes, the new organizational chart, and introduced a number of new staff members.

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED CORRESPONDENCE

- 6.1(i) Petition with 150 names in opposition to Item 6.1 respecting the Application to Amend the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200 for Lands Located

at 952 – 954 Concession Street, (Hamilton) (Ward 6) (PED17193) .
(A copy of the petition is available for viewing in the City Clerk's office.)

2. AMENDED TITLE

- 12.2 Verbal update respecting the 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) **and Sign Variance Appeal SV-17-001 for the property known as 430 McNeilly Road, Stoney Creek.** (No copy)

3. ADDED PRIVATE AND CONFIDENTIAL

- 12.3 Request for Instructions Regarding 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 Hamilton Comprehensive Zoning By-law No. 05-200, City of Stoney Creek Zoning By-law No. 3692-92 and Revisions to Draft Plan of Subdivision 25T-200908R, for Lands Located at 198 First Road West and 165 Upper Centennial Parkway (Stoney Creek) (Distributed under separate cover.)

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

(Farr/Skelly)

That the agenda for the November 14, 2017 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) October 31, 2017 (Item 3.1)

(Partridge/Conley)

That the Minutes of the October 31, 2017 meeting be approved.

CARRIED

(d) CONSENT ITEMS (Item 5)

(i) Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED17192) (Item 5.2)

Councillor B. Johnson noticed a typo on Page 9 of 12 of the Report. The first address on the chart should read 5174 Berry Road, Glanbrook and not 5174 Berry Road, Flamborough.

For disposition of this matter refer to Item 2.

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application to Amend the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 952 – 954 Concession Street, (Hamilton) (Ward 6) (PED17193) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Vice Chair A. Johnson 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

6.1(i) Petition with 150 names in opposition to Item 6.1

(Skelly/Partridge)

That the added petition, Item 6.1(i) be received.

CARRIED

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

(Farr/Collins)

That the staff presentation be received.

CARRIED

Scott Arbuckle of IBI Group representing the applicant addressed Committee with the aid of a PowerPoint presentation and provided an overview of the proposed development. A copy is available for viewing on the City's website.

Registered Speakers

1. Danusia Szpak, 968 Concession Street, Hamilton

Danusia Szpak addressed Committee with the aid of a PowerPoint presentation and hand-outs were distributed. She indicated that she is opposed to the proposal. A copy of her presentation is available for viewing on the City's website.

2. Robert Whitelaw, 968 Concession Street, Hamilton

Robert Whitelaw addressed Committee and indicated that he is opposed to the proposal.

3. Peter O'Hagan, 964 Concession Street, Hamilton

Peter O'Hagan addressed Committee and indicated that he is opposed to the proposal.

(B. Johnson/)

That the delegations be received.

CARRIED

(Green/Farr)

That the public meeting be closed.

CARRIED

Ward Councillor Jackson was in attendance and indicated his opposition to this proposal.

For disposition of this matter refer to Item 4.

(ii) City Initiated Zoning By-law Amendment for Lands Located at 357 Wilson Street East (Ancaster Arts Centre) (Ward 12) (PED17195) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Vice Chair A. Johnson 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.

Robert Clackett, 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.

Speaker

1. Miles D'Arcy, 19 – 71 Sulphur Springs Road

Miles D'Arcy addressed Committee and indicated he is a member of the board of The Towne Manors, the development next door. He is in support of the proposal but would like the environmental zone to be maintained.

(Partridge/Green)

That the delegation be received.

CARRIED

(Collins/Farr)

That the public meeting be closed.

CARRIED

Ward Councillor Ferguson was in attendance and spoke in support of the proposal but expressed concerns with the request from the Ministry of Culture to remove the existing six trees which are on the property line.

(Farr/Collins)

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

(c) That the public submission received regarding this matter supported the approval of the application.

Amendment CARRIED

For disposition of this matter refer to Item 5.

- (iii) Application for Amendment to the Rural Hamilton Official Plan and City of Hamilton Zoning By-law for lands located at 582, 626, 632, 634 and 638 Brock Road, 790, 798, 822, 826 and 832 Concession 4 West, and 520, 526, 532, 536, 540, 542, 546, 550, 554, 559, 564, 565, 568, 580 and 588 Moxley Road, Flamborough (Ward 14) (PED17194) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Vice Chair A. Johnson 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.

Heather Travis, 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.

Brian Zeman of MHBC Planning, representing the applicant, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the proposal. Copies of a hand-out were distributed. A copy is available for viewing on the City's website.

(Partridge/B. Johnson)

That the agent's presentation be received.

CARRIED

Speaker

1. Laurenz Eschlboeck, R.R. No. 2, Street North, Dundas

Laurenz Eschlboeck addressed Committee and expressed concerns with what future effects the expansion may have on his well and his property.

2. Jeffrey Mackie, 525 Moxley Road

Jeffrey Mackie addressed Committee and indicated that he is not opposed to the proposal but concerned that Moxley Road may be closed in the future.

(Skelly/Partridge)

That the delegations be received.

CARRIED

(Conley/Pasuta)

That the public meeting be closed.

CARRIED

(Pasuta/Conley)

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

- (d) *That the public submission received regarding this matter supported the granting of the application.*

Amendment CARRIED

For disposition of this matter refer to Item 6.

(f) DISCUSSION ITEMS (Item 8)

- (i) **Sign Variance Appeal SV-16-020 for the property known as 442 Millen Road, Stoney Creek, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED17145) (Ward 10) (Deferred September 19, 2017) (Item 8.1)**

The appellant's agent, John Ariens of IBI Group was in attendance should Committee have any questions.

Committee didn't approve the staff recommendations.

For disposition of this matter refer to Item 7.

- (ii) **Business Licensing By-law 07-170 - Review and Replacement of Limousines (Schedule 8) (PED17201) (City Wide) (Item 8.2)**

The Clerk advised that no one registered to speak to this Item.

No member of the public came forward.

For disposition of this matter refer to Item 8.

(g) MOTIONS (Item 9)

(Farr/Skelly)

That the following motion be TABLED to the next meeting:

- (i) **Community Improvement Plan Incentives (Item 9.1)**

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.

CARRIED

(h) NOTICES OF MOTION (Item 10)

Councillor Farr introduced the following Notice of Motion:

(i) EV Charger Stations at Public Parking lots (Added Item 10.1)

WHEREAS; Downtown Hamilton may be falling behind our neighbouring municipalities like Toronto and Waterloo when it comes to EV Charger Stations at Public Parking lots;

WHEREAS; Toronto has close to 50 and Waterloo close to 20 EV Stations in their downtowns;

WHEREAS; the Province of Ontario is encouraging greater growth of EV stations through the Electric Vehicle Charger Stations Grant program;

WHEREAS; with the Province of Ontario expanding Electric Vehicle Chargers Ontario (EVCO) private /public partnership Grant program, some cities capitalizing at much greater rates than others; and

WHEREAS; it has been reported by various sources that the two EV Charger Stations at the Downtown York Parade sees the same three cars consistently occupying the two spaces, making it difficult for other electric vehicle owners to get charged during office hours;

THEREFORE BE IT RESOLVED:

- (a) That the appropriate Planning Staff report back to the Planning Committee on increasing the number of EV Charging Stations in our downtown;
- (b) That staff contact the Province of Ontario in an effort to capitalize on the current EVCO Grant Program to assist Hamilton in providing more of this infrastructure;
- (c) That staff from the Parking Division monitor the use at the existing 2 EV Charger Stations at the York Parade to ensure greater turn-over.

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

(i) Outstanding Business List (Item 11.1)

(Partridge/Johnson)

- (a) That the following Items be removed:

Item "F" - Redevelopment of a City Owned Surface Parking Lot. (Item 12.1 on this agenda.)

Item "CC" – That staff report back on the recent legislation adopted by the City of Toronto related to the operation of Airbnb Lodgings with the goal of adopting local legislation related to the same in Hamilton. (Item 8.3 on this agenda.)

Item "EE" – Appeal of the denial to issue a Permit to Injure or Destroy Trees in a Woodland. PED17096 referred to the Development application and staff to report back with full chronology of events. (Item 5.1 on this agenda.)

Item "JJ" – Sign Variance Appeal SV-16-020 for the property known as 442 Millen Road, Stoney Creek, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED17145) (Ward 10) (Item 8.1 on this agenda)

(b) That the following new due dates be approved:

Item "AA" – That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners' surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District (HCD) and the merits of a HCD
Due date: November 14, 2017
New due date: April 3, 2018

Item "BB" – Licensing of Driving Schools.
Due date: November 14, 2017
New due date: April 3, 2018

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(B. Johnson/Conley)

That Committee move into closed session at 1:40 p.m. regarding Items 12.1, 12.2 and 12.3 pursuant to Section 8.1, Sub-sections (c) (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c) (e) and (f) of the Municipal Act, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes, litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Committee reconvened in Open Session at 2:03 p.m.

- (i) **Update on Request for Information – Sale of Downtown City-owned Surface Parking Lot (PED16205(a)) (Ward 2) (Outstanding Business List Item) (Distributed under separate cover.) (Item 12.1)**

An update was provided by staff in closed session with nothing to report in open session.

- (ii) **Verbal update respecting the 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) (No copy) (Item 12.2)**

Direction was given to staff in closed session with nothing to report in open session.

- (iii) **Request for Instructions Regarding 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 Hamilton Comprehensive Zoning By-law No. 05-200, City of Stoney Creek Zoning By-law No. 3692-92 and Revisions to Draft Plan of Subdivision 25T-200908R, for Lands Located at 198 First Road West and 165 Upper Centennial Parkway (Stoney Creek) (Distributed under separate cover.) (Item 12.3)**

Direction was given to staff in closed session with nothing to report in open session.

(k) ADJOURNMENT (Item 13)

(Collins/Partridge)

That, there being no further business, the Planning Committee be adjourned at 2:05 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Vice Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk