



## **PLANNING COMMITTEE**

### **REPORT 18-004**

**9:30 a.m.**

**Tuesday, March 20, 2018**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with**

**Regrets:** Councillor A. Johnson (Chair), surgery  
Councillor B. Johnson, illness  
Councillor M. Green, personal

**Also Present:** Councillors T. Jackson and L. Ferguson

### **THE PLANNING COMMITTEE PRESENTS REPORT 18-004 AND RESPECTFULLY RECOMMENDS:**

- 1. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton (Ward 2) (PED18054) (Item 5.1)**

That Report PED18054 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton, be received.

- 2. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No.6593 for Lands Located at 575 Woodward Avenue, Hamilton (Ward 4) (PED18055) (Item 5.2)**

That Report PED18055 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No.6593 for Lands Located at 575 Woodward Avenue, Hamilton, be received.

**3. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18046) (Item 5.3)**

That Report PED18046 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**4. Urban Hamilton Official Plan Administrative Amendment (Wards 1-13, 15) (PED18060) (Item 5.4)**

That City Initiative CI-18-C – Administrative Amendment to the Urban Hamilton Official Plan to amend policies, schedules and maps, to implement policy and mapping corrections for the Parent Plan contained in Volume 1 and for Secondary Plans contained in Volume 2 of the UHOP, on the following basis:

- (a) That the Draft Official Plan Amendment, attached as Appendix “A” to Report PED18060, be adopted by Council.
- (b) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).

**5. Annual Report on Building Permit Fees (PED18062) (City Wide) (Item 5.5)**

That Report PED18062 respecting Annual Report on Building Permit Fees, be received.

**6. Agriculture and Rural Affairs Advisory Committee Minutes 17-003 (Item 5.6)**

That the Agriculture and Rural Affairs Advisory Committee Minutes 17-003, be received.

**7. Agriculture and Rural Affairs Advisory Committee Meeting Notes 18-001 (Item 5.7)**

That the Agriculture and Rural Affairs Advisory Committee Meeting Notes 18-001, be received.

**8. Hamilton Municipal Heritage Committee Report 18-002 (Item 5.8)**

- (a) **Inventory & Research Working Group Meeting Notes – November 27, 2017**

**(i) 880 Centre Road, Flamborough**

- (1.) That the house and property at 880 Centre Road, Flamborough be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest, based on the presentation by Cultural Heritage staff and the preliminary Heritage Assessment provided by Sylvia Wray; and
- (2.) That the house and property at 880 Centre Road, Flamborough be added to the staff work plan for designation under Part IV of the Ontario Heritage Act.

**(ii) 574 Northcliffe Avenue, Dundas**

That 574 Northcliffe Avenue, Dundas be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest based on the presentation by Cultural Heritage Staff and the Preliminary Heritage Assessment provided to the working group.

**9. Application for Approval of a Draft Plan of Condominium (Common Element) for lands located at 1001, 1009 and 1035 Garner Road East (Ancaster) (Ward 12) (PED18049) (Item 6.1)**

- (a) That Draft Plan of Condominium Application 25CDM-201703, by A.J. Clarke and Associates Ltd., on behalf of A. DeSantis Developments Ltd., Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, on lands located at 1001, 1009 and 1035 Garner Road East (Ancaster), as shown on Appendix "A" attached to Report PED18049, be APPROVED subject to the following conditions:
  - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201703 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated January 11, 2017, consisting of a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, in favour of 70 block townhouse dwelling units and 24 maisonette dwelling units, attached as Appendix "B" to Report PED18049; and,
  - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201703, attached as Appendix "C" to Report PED18049, be received and endorsed by City Council.

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

**10. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) (Item 6.2)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-029, by Trillium Housing Winona Non-Profit Corporation, to re-designate the subject lands from “Local Commercial” to “Low Density Residential 3c” within the Urban Lakeshore Area Secondary Plan and to establish a site specific policy area to permit a 60 unit development on a private (condominium) road for lands located at 1288 Baseline Road, and to establish a new street connecting Baseline Road and the North Service Road, as shown on Appendices “A” and “E” to Report PED18030 be APPROVED, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (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) (Places to Grow).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation to add the subject lands to Zoning By-law No. 3692-92 and to zone them Multiple Residential “RM3-62” Zone, Modified, to permit a 60 unit development on a private (condominium) road for lands located at 1288 Baseline Road, as shown on Appendix “A” to Report PED18038, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “C” to Report PED18038, 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) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation to remove the subject lands located at 1288 Baseline Road from Zoning By-law No. 05-200, as

shown on Appendix “A” to Report PED18038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “D” to Report PED18038, 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) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (d) That the public submissions received regarding this matter did not affect the decision.

**11. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) (Item 6.3)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-15, by Sammani 786 Inc. (Owner), to redesignate a portion of the subject lands from “Low Density Residential 2b” to “Local Commercial” in the Western Development Area Secondary Plan; and to establish a Site Specific Policy Area to permit a three storey office / commercial building with a veterinary clinic on the ground floor and professional offices on the second and third floors, for the lands known as 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road, and 175 Margaret Avenue (Stoney Creek), as shown on Appendix “A” to Report PED18065, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18065 be adopted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conform to the Growth Plan for the Greater Golden Horseshoe.
- (b) That City of Stoney Creek Zoning By-law Amendment Application ZAC-17-028, by Sammani 786 Inc. (Owner), for a change in zoning from the Single Residential “R2” Zone to the General Commercial “GC-57” Zone, Modified (Block 1), to permit a three storey office / commercial building with a veterinary clinic on the ground floor and professional offices on the second and third floors; and from the Single Residential “R2” Zone to the Single Residential “R2-64” Zone, Modified (Block 2) to permit an existing single

detached dwelling with a reduced lot area, for the lands known as 175 Margaret Avenue (Stoney Creek), as shown on Appendix "A" to Report PED18065, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18065, 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), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That approval be given to add the lands located at 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road and 175 Margaret Avenue (Stoney Creek), to Zoning By-law No. 05-200, and to zone said lands as Neighbourhood Commercial (C2, 673) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix "D" to Report PED18065, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "D" to PED18065, for enactment by City Council, once the Commercial and Mixed Use Zones are in force and effect.
- (d) That the public submissions received regarding this matter did not affect the decision

**12. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) (Item 6.4)**

- (a) That the City Solicitor be directed to oppose the appeal for non-decision by Television City Hamilton Inc. arising from its applications for Urban Hamilton Official Plan Amendment UHOP-17-027 and ZAC-17-063;
- (b) That the (OMB) be advised that the reasons for Council's opposition include but are not limited to the following:
  - (i) That the proposed amendment to the Official Plan does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters

including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts;

- (ii) That the proposed change in zoning does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts;
- (c) That the written submissions received from the public regarding this matter be forwarded to the OMB.

**13. Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036) (Item 6.5)**

- (a) That Report PED18036 (City Initiative CI-18-A) to amend the Existing Residential “ER” Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, be received;
- (b) That Report PED18036, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending by-law to be presented to the April 17, 2018 Planning Committee;
- (c) That staff be directed to include amendments to the Site Plan Control By-law regarding elevation, drainage patterns and tree preservation in their upcoming report respecting amendments to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods.

**14. Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (PED18030(a)) (City Wide) (Item 6.6)**

- (a) Remediation and Site Enhancement (ERASE) Community Improvement Project Area as set out in Report PED18030(a), be approved and the By-law attached to Report PED18030(a) to amend the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area as Appendix “A” be enacted;
- (b) That the City’s maximum contribution as part of the Environmental Remediation and Site Enhancement (ERASE) Study Grant Program be

increased from \$25K to \$35K for two studies per property / project be approved;

- (c) That the Environmental Remediation and Site Enhancement (ERASE) Study Grant Program date for maximum of two studies per property be reset to July 1, 2011;
- (d) That additional administrative requirements regarding submission and enactment of Environmental Remediation and Site Enhancement (ERASE) Study Grant applications be approved;
- (e) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and Industrial / Office Reuse Feasibility Study and their removal and abatement in the Older Industrial Area be approved;
- (f) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to current / closed Institutional uses as an eligible cost across the Community Improvement Project Area (CIPA) be approved;
- (g) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to designated Heritage Buildings as an eligible cost across the Community Improvement Project Area (CIPA) be approved;
- (h) That staff be authorized to implement and administer the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program including the additional eligible costs once the amendment has come into force and effect;
- (i) That the Environmental Remediation and Site Enhancement (ERASE) Tax Assistance Program includes Environmental Insurance Premiums as an eligible cost be approved;
- (j) That the interest rate for the Downtown Hamilton / West Harbourfront Remediation Loan Program (RLP) be decreased from prime minus 1% to 0% and the loan repayment period be reduced from ten years to five years be approved;



- (k) That the Community Improvement Plan (CIP) titled Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (October 2017) as amended and attached as Appendix "B" to Report PED18030(a) be approved;
- (l) That any changes to the program description and terms be by way of Council resolution;

**15. Appeal of Sign Variance Application SV-17-007 for the Property known as 1545 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner (PED18048) (Ward 6) (Item 8.1)**

That Sign Variance Application SV-17-007, by the Muslim Association of Hamilton, Owner, for the Property known as 1545 Stone Church Road East, Hamilton, to permit a Digital Billboard Sign be approved for the following variances:

- (a) To permit a Digital Billboard Sign to be located within approximately 225 m, or less, of the right of way of the Red Hill Valley Parkway that is visible from the travelled portion of the right of way, whereas Hamilton Sign By-law prohibits any sign within 400.0 m of the right of way;
- (b) To permit a Digital Billboard Sign that will be 3.0 m from the northerly property line, whereas the requirement is a minimum setback of 3.5 m from any property line;
- (c) To permit a Digital Billboard Sign to be located approximately 225 m, or less, from a residential district, specifically the remnant agricultural zoning of Pritchard Road and the Linc
- (d) To permit the construction of a Digital Billboard Sign on lands that are developed, whereas a Digital Billboard Sign may be located on vacant, undeveloped properties zoned commercial or industrial.

**16. Agriculture and Rural Affairs Advisory Committee Report 18-002 (Item 8.2)**

That the Agriculture and Rural Affairs Advisory Committee Report 18-002 be received and referred to staff for consideration when they prepare the report regarding the regulatory and land use planning framework for the marijuana (cannabis) industry as directed by Council on November 8, 2017.

17. **Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15) (Added 10.1)**
- (a) That the City Solicitor be instructed to OPPOSE the appeals by 2417985 Ontario Inc. and 2417972 Ontario Inc. to the Ontario Municipal Board (File No. PL170858) related to applications for Rural Hamilton Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision.
- (b) That the reasons for opposition include:
- (i) The inadequate water supply for the property;
  - (ii) The inadequate wastewater servicing proposed;
  - (iii) That the proposed lots are undersized;
  - (iv) The inadequate road connection proposed; and
  - (v) That the applications are inconsistent with the Rural Hamilton Official Plan.

**FOR INFORMATION:**

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

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

**1. ADDED DELEGATION REQUESTS**

- 4.6 Ian Wilms, The Green Organic Dutchman, respecting the recommendations regarding the cannabis industry on the Agriculture and Rural Affairs Advisory Committee Report 18-001 (Item 8.2 on this agenda.)
- 4.7 Janice Currie, 251 Carluke Road West, Ancaster regarding the cannabis industry on the Agriculture and Rural Affairs Advisory Committee Report 18-001 (Item 8.2 on this agenda.)
- 4.8 Kimberlee VanSickle, 1140 Butter Road West, Ancaster, regarding concerns with respect to the cannabis grow operation. (Item 8.2 on this agenda.)
- 4.9 Roy Stevenson, 130 Butter Road West, Ancaster, regarding questions with respect to the cannabis industry. (Item 8.2 on this agenda.)

- 4.10 Jack and Maggie Xie (owners), Frank Su (agent) and Franz Kloibhofer (Planning Consultant) to express their objection to the registration of 880 Centre Road as a property of Cultural Heritage Value or Interest. (Item 5.8 on this agenda.)

**2. CHANGE TO ITEM 6.4**

Item 6.4 regarding Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) is no longer a statutory public meeting under *The Planning Act* because the applicant has submitted an appeal to the Ontario Municipal Board on March 15, 2018 for non-decision. Nevertheless, Committee will consider the public input.

**3. ADDED WRITTEN COMMENTS**

- 6.4(a)(i) and 6.4(a)(ii)      181 Jackson Street West, respecting Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040)
- 6.4(b) Greg Duncan & Colin O'Brien, 2 Wesanford Place respecting Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040)
- 6.5(a) Mike and Kathy Robitaille, 53 Lovers Lane, Ancaster respecting Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036)
- 6.5(b) Tom and Teresa St. Michael, 25 Douglas Road, Ancaster respecting Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036)
- 8.2(a) The position of the Ontario Federation of Agriculture respecting licensed cannabis production for medical and/or recreational-use purposes with regards to Item 8.2 the Agriculture and Rural Affairs Committee Report 18-002 submitted by Drew Spoelstra.

**4. ADDED NOTICE OF MOTION**

- 10.1 Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15)

The agenda for the March 20, 2018 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) February 20, 2018 (Item 3.1)**

The Minutes of the February 20, 2018 meeting were approved.

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

The following delegation requests were approved to address Committee at a future meeting:

- 4.1 Bill Johnston, First Unitarian Church of Hamilton, Affordable Housing Sub-Committee to support waiving the fees for applications for affordable housing projects and also to request that first priority be given to the processing of such applications.
- 4.2 Aaron Murphy, respecting issues with Municipal Law Enforcement staff regarding his complaint of mould in his residence.
- 4.3 Christina Sousa, requesting support for changing the by-law to allow for backyard hens in Hamilton.

The order of the agenda was amended to consider Item 8.2 respecting the Agriculture and Rural Affairs Report 18-001 when considering Items 4.4 to 4.9.

For disposition of this matter refer to Item 16.

The following delegation requests were approved to address Committee when the staff report regarding the cannabis industry is on the agenda:

- 4.4 Shelley Yeudall, 1951 Shaver Road, Ancaster
- 4.5 Gordon Harvey of Beleave Inc., 1653 Highway No. 6 North, Flamborough
- 4.6 Ian Wilms, The Green Organic Dutchman
- 4.7 Janice Currie, 251 Carluke Road West, Ancaster
- 4.8 Kimberlee VanSickle, 1140 Butter Road West, Ancaster
- 4.9 Roy Stevenson, 130 Butter Road West, Ancaster
- (i) The following delegation requests were approved to address Committee today:
  - 4.10 Jack and Maggie Xie (owners), Frank Su (agent) and Franz Kloibhofer (Planning Consultant) to express their objection to the registration of 880 Centre Road as a property of Cultural Heritage Value or Interest; and
- (ii) Item 5.8 was moved to the Discussion section of the agenda.

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

- (i) **Application for Approval of a Draft Plan of Condominium (Common Element) for lands located at 1001, 1009 and 1035 Garner Road East (Ancaster) (Ward 12) (PED18049) (Item 6.1)**

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

The public meeting was closed.

Stephen Fraser of A.J. Clarke & Associates, representing the owner, was in attendance and indicated that the owner is in support of the staff report.

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

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

For disposition of this matter refer to Item 9.

**(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) (Item 6.2)**

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

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

The staff presentation was received.

Committee approved hearing the delegation prior to the agent.

**Speakers**

**1. Walter Bolhaar, 29 East Street, Winona**

Walter Bolhaar addressed Committee and he expressed concerns with the proposal.

Mr. Bolhaar presented a letter to the Committee Clerk for the official record outlining his comments which included a petition with four (4) signatures. A copy of the comments is available for viewing on the City's website. A copy of the signatory page of the petition is available for viewing in the City Clerk's Office.

The delegation was received.

John Ariens, of IBI Group, representing the applicant addressed Committee and provided an overview of the proposal and responded to the concerns expressed by the delegation.

The agent's presentation was received.

The public meeting was closed.

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

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

For disposition of this matter refer to Item 10.

**(iii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) (6.3)**

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

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Scott Arbuckle and Tracy Tucker from IBI Group, representing the owner were in attendance and indicated that the owner is in support of the staff report.

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

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

For disposition of this matter refer to Item 11.

**(iv) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) (6.4)**

Vice Chair Farr reiterated that as the applicant has appealed to the Ontario Municipal Board for non-decision, this is no longer a Public Meeting under the *Planning Act*. However, Committee would still like to receive input from the public regarding this matter.

**Written Comments:**

6.4(a)(i) and 6.4(a)(ii) Resident of 181 Jackson Street  
6.4(b) Greg Duncan & Colin O'Brien, 2 Wesanford Place

The added written submissions, Items 6.4(a)(i), 6.4(a)(ii) and 6.4(b) were received.

Adam Lucas, 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.

The staff presentation was received.

The applicant's agent was permitted to address Committee.

David Faletta of Bousfields Inc. representing the applicant addressed Committee and explained, among other things, that due to the upcoming changes to the Ontario Municipal Board (OMB) appeals, the applicant, on the advice of his lawyer, decided to exercise his right to appeal. Mr. Brad Lamb, the applicant also addressed Committee.

The delegation from the applicant and his agent were received.

**Speakers**

**1. Frances Murray, Durand Neighbourhood Association, 225 Caroline Street South**

Frances Murray, representing the Durand Neighbourhood Association, addressed Committee and indicated their opposition to the proposal.



**2. Elizabeth Olah, 121 Hunter Street West, #506**

Elizabeth Olah addressed Committee and outlined why she is opposed to the proposal.

**3. Jayne Cardinal, 181 Jackson Street**

Jayne Cardinal addressed Committee and outlined why she is opposed to the proposal.

**4. Sadhna Jayatunge, 1 Wesanford Place**

Sadhna Jayatunge addressed Committee and indicated that she is opposed to the proposed restaurant component of the proposal.

**5. Patrick Brown, 123 Jackson Street West**

Patrick Brown addressed Committee and outlined his opposition to the proposal.

**6. Maggie Pepe-Hutton, 121 Hunter Street West, #912**

Maggie Pepe-Hutton addressed Committee and she expressed her concerns with the proposal.

**7. Amanda Smith, 3 Wesanford Place**

Amanda Smith addressed Committee and she expressed her concerns with the proposal.

The delegations were received.

Chair Farr relinquished the Chair to Councillor Partridge to move an amending motion.

For disposition of this matter, refer to Item 12.

Chair Farr assumed the Chair.

**(v) Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036) (Item 6.5)**

In accordance with the provisions of the *Planning Act*, Vice Chair 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 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:**

6.5(a) Mike and Kathy Robitaille, 53 Lovers Lane, Ancaster

6.5(b) Tom and Teresa St. Michael, 25 Douglas Road, Ancaster

The added written comments, Items 6.5(a) and 6.5(b) were received.

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

The staff presentation was received.

Ward Councillor Ferguson was in attendance to speak to this matter and he indicated that it was seven (7) years ago when he first raised this issue.

**Speakers**

**1. Mike Robitaille, 53 Lovers Lane, Ancaster**

Mike Robitaille addressed Committee and indicated that more restrictions are needed to avoid negative impacts to the neighbours. He submitted a copy of the proposed front lot setbacks and provided his comments regarding staff's proposal. A copy is available for viewing on the City's website.

The delegation was received.

**2. Sandra Whitaker, 89 McGregor Crescent, Ancaster**

Sandra Whitaker addressed Committee and expressed concerns with the impact on the drainage, the sun shade and the privacy from the larger new homes built on smaller lots.

The delegation was received.

**3. Ron Sebastian, 921 Montgomery Drive, Ancaster**

Ron Sebastian spoke in support of the proposed changes and made a few suggestions to further protect the existing residents from the impacts of new development.

The delegation was received.

**5. Kathy Robitaille, 53 Lovers Lane, Ancaster**

Kathy Robitaille addressed Committee and indicated that the City approved the grading of the adjacent property despite the flooding on her property.

The delegation was received.

**4. Paul Yundt, 58 McGregor Crescent, Ancaster**

Paul Yundt addressed Committee and spoke about the impact of the larger homes on existing neighbourhoods and provided comments on the staff report.

The delegation was received.

Ward Councillor Ferguson noted that the speakers are generally in support of the staff report however, they are of the opinion that the City is coming up short with respect to the site plan requirements.

**(Partridge/Pearson)**

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

- (c) That staff be directed to include amendments to the Site Plan Control By-law regarding elevation, drainage patterns and tree preservation in their upcoming report respecting amendments to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 – Redevelopment in Mature Neighbourhoods.

The public meeting was closed.

For disposition of this matter refer to Item 13.

**(vi) Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (PED18030(a)) (City Wide) (Item 6.6)**

In accordance with the provisions of the *Planning Act*, Vice Chair 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 makes a decision regarding the Amendments to the Environmental Remediation and Site Enhancement Community Improvement Plan, 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.

The public meeting was closed.

The staff presentation was waived.

For disposition of this matter refer to Item 14.

**(f) DISCUSSION ITEMS (Item 8)**

**(i) Appeal of Sign Variance Application SV-17-007 for the Property known as 1545 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner (PED18048) (Ward 6) (Item 8.1)**

Ward Councillor Jackson addressed Committee and recognized the presence in the gallery of members of the Muslim Association, Nicholas Campney from Pattison Outdoor Advertising and Nicole Beume, the adjacent business operator (Splitsville Bowling) and he provided some background information regarding the sign variance application and the appeal. He proposed approving the sign variance application.

**Appellant**

**1. Nicholas Campney, Pattison Outdoor Advertising (8.1(a))**

Committee approved the application without hearing from the appellant

For disposition of this matter refer to Item 15.

**(ii) Agriculture and Rural Affairs Advisory Committee Report 18-002  
(Item 8.2)**

For disposition of this matter refer to the Delegation Requests section and Item 16.

**(iii) Hamilton Municipal Heritage Committee Report 18-002 (Item 5.8)**

Jeremy Parsons, Planner, addressed Committee with the aid of a PowerPoint presentation respecting the recommendation of the Hamilton Municipal Heritage Committee Report to add the property at 880 Centre Road, Flamborough to the Hamilton Register of Property of Cultural Heritage Value or Interest. A copy of his presentation is available for viewing on the City's website.

The staff presentation was received.

**Delegations**

**1. Jack and Maggie Xie (owners), Frank Su (agent) and Franz  
Kloibhofer (Planning Consultant)**

Franz Koibhofer addressed Committee on behalf of his clients and spoke in opposition to the proposal. He outlined the reasons with a few PowerPoint presentation slides. He provided copies of a building inspection of 880 Centre Road prepared by Lobban Stroud Limited which were distributed and are available for viewing on the City's website.

The five minute rule was extended.

Mr. Xing (Jack) Wan addressed Committee and indicated that when his family purchased the property he was advised that it did not have a heritage designation. With the aid of a few photographic images he advised that there is existing damage to the building and extensive renovations are required. Copies of his written statement were distributed and a copy is available for viewing on the City's website.

Frank Su, the Realtor, also addressed Committee and indicated that when he contacted the Flamborough Heritage Society he was advised that the property was not designated as a heritage property. Copies of his prepared statement were distributed and a copy is available for viewing on the City's website.

The delegations were received.

For disposition of this matter refer to Item 8.

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

- (i) Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15) (Added 10.1)**

Councillor Partridge introduced a notice of motion respecting Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15)

The rules of order were waived to allow the introduction of a motion respecting Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15)

For disposition of this matter refer to Item 17.

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

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

- (a) The following new due dates were approved:

Item "D" – (OMB) Decision re: 121 Augusta Street, Staff to review the RCF's in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code and report back

Due date: March 20, 2018

New due date: January 2019

Item "G" – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording.

Due date: March 20, 2018

New due date: July 10, 2018

Item “J” – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible  
Due date: March 20, 2018  
New due date: April 17, 2018

Item “W” - That the appropriate City of Hamilton staff be requested to address the issue of declining establishments paying into the Paid Duty program in Hess Village and report back to the Planning Committee 45 days before the start of the 2018 Paid Duty season with solutions.  
Due date: March 20, 2018  
New due date: April 17, 2018

(b) The following Items were identified as complete and were removed:

Item “A” – Redevelopment in Ancaster “ER-Zone” Neighbourhoods (Ancaster) (PED14132) / (Monster Homes) (former report PED11196)  
(Item 6.5 on this agenda)

**(i) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 2:44 p.m.

Respectfully submitted,

Councillor J. Farr  
Vice Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk