



PLANNING COMMITTEE

REPORT 19-001

9:30 a.m.

Tuesday, January 15, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

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

THE PLANNING COMMITTEE PRESENTS REPORT 19-001 AND RESPECTFULLY RECOMMENDS:

1. Early Release of PED19027 respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10) (Added Item 11.1)

That report PED19027 respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10), scheduled for the February 5th Planning Committee meeting agenda, be made public on January 16, 2019.

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19004) (City Wide) (Item 7.2)

That Report PED19004 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

3. Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 (PED19011) (City Wide) (Item 7.3)

That Report PED19011 respecting Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118, be received, and referred back to staff to include details on the changes being proposed.

4. Equitable Access to City's Taxi System for All Persons with Disabilities Update (PED16232(c)) (City Wide) (Item 7.4)

That Report PED16232(c) respecting Equitable Access to City's Taxi System for All Persons with Disabilities Update, be received.

5. To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9) (Item 7.5)

That Amended Zoning By-law Amendment Application ZAC-17-055 by Five SAC (Owner), for a further modification to the Rural Industrial (E2, 155, H2) Zone - Holding to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East (Stoney Creek), as shown on Appendix "A" to Report PED18169(a), be APPROVED on the following basis:

- (a) That By-law No. 18-308, respecting 19 Highland Road East, Stoney Creek be amended to correct the errors in the By-law and in the Schedule "A";
- (b) That the Amended draft By-law attached as Appendix "B" to Report PED18169(a), which corrects the errors in the By-law and in the Schedule "A" which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
- (d) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. 20; and,
- (e) That the errors on page 3 of Appendix B of Report PED18169(a) respecting the Ward number, Report number and date, be corrected.

6. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) (Item 8.1)

That Zoning By-law Amendment Application ZAR-18-026 by William Gordon Prior (Owner), for a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District to permit the development of two single detached dwellings fronting onto Fortissimo Drive for lands located at 865 West 5th Street (Hamilton), as shown on Appendix "A" to Report PED19002, be APPROVED on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED19002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (b) That the amending By-law, attached as Appendix “B” to Report PED19002 be added to Schedule Zoning Map No. W17c of the City of Hamilton Zoning By-law No. 6593;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan; and,
- (d) That there were no public submissions received regarding this matter.

7. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) (Item 8.2)

That Zoning By-law Amendment Application ZAR-18-043 by Richard Dean Raspberry, Kevin Mitchell Raspberry and Lois Leone Worrod (Owners), for a a modification to the Rural (A2) Zone to permit a 3,300 sq m farm product supply building for lands located at 119 Highway No. 5 West (Flamborough), as shown on Appendix “A” to Report PED19003, be APPROVED on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED19003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan; and,
- (c) That there were no public submissions received regarding this matter.

8. Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10) (Item 8.3)

- (a) That Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners, for a change in zoning from the Neighbourhood Development “ND” Zone and the Single Residential “R2” Zone to the Single Residential “R3-43” Zone, Modified (Block 1) and the Single Residential “R2-65” Zone (Blocks 3 and 4), to permit the development of four lots for single detached dwellings and recognize the existing single detached dwelling and accessory structure, on lands located at 90 Creanona Boulevard (Stoney Creek), as shown on Appendix “A” to Report PED19024, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
 - (b) That Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Lands (P5, 717) Zone, on lands located 90 Creanona Boulevard (Stoney Creek) as shown on Appendix “A” to Report PED19024, be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED19024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
 - (c) That the public submissions received regarding this matter did not affect the decision.
- 9. Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) (Item 8.4)**
- (a) That Zoning By-law Amendment Application ZAC-18-017, by Silvestri Homes, (Owner) to further amend the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling containing 151 dwelling units on the lands known as 560 Grays Road (Hamilton and Stoney Creek), as shown on Appendix “A” to Report PED19001, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED19001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;

- (b) That upon the finalization of the amending By-law, the subject lands be re-designated from “Medium Density Residential” to “High Density Residential” in the Lakeshore Neighbourhood Plan.
 - (c) That in accordance with the City of Hamilton Financial Policies, that there will be no City share for the costs associated with the stormwater management infrastructure upgrades associated with this development.
 - (d) That the public submissions received regarding this matter did not affect the decision.
- 10. Appeal to LPAT (formerly OMB) for 609 and 615 Hamilton St. N., 3 Nisbet Blvd., 129-137 Truedell Circle (Town Centre) (PL171331) – OPA (UHOPA-17-03), ZBA (ZAC-17-013) and Plan of Subdivision (25T-201702) (LS19005) (Ward 15) (Item 14.1)**
- (a) That the recommendations of Report LS19005 be approved;
 - (b) That Report LS19005 remain private and confidential; and,
 - (c) That the recommendations of Report LS19005 be made public when directed by the City Solicitor.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

The Committee Clerk advised there were no additions to the agenda, but noted that the title of Item 14.1 had been revised after publishing to: Appeal to LPAT (formerly OMB) for 609 and 615 Hamilton St. N., 3 Nisbet Blvd., 129-137 Truedell Circle (Town Centre) (PL171331) – OPA (UHOPA-17-03), ZBA (ZAC-17-013) and Plan of Subdivision (25T-201702) (LS19005) (Ward 15).

The agenda for the January 15, 2019 meeting was approved, as presented.

(b) MOTIONS (Item 11)

(i) Early Release of PED19027 respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10) (Added Item 11.1)

Councillor Clark asked General Manager Jason Thorne to provide the Committee with an update on Bill 66 – Restoring Ontario’s Competitiveness Act, 2018.

Jason Thorne provided an update on the PED Talks and Steve Robichaud provided an update on Planning staffing issues.

For disposition of this matter, refer to Item 1.

(c) DECLARATIONS OF INTEREST (Item 3)

None declared.

(d) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) December 11, 2018 (Item 4.1)

The Minutes of the December 11, 2018 meeting were approved, as presented.

(e) CONSENT ITEMS (Item 7)

(i) Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5) (Item 7.1)

Report PED17179(b) respecting Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas, was deferred to a future meeting of the Planning Committee.

(ii) To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9) (Item 7.5)

The recommendations in Report PED18169(a) were amended to add sub-section (e) as follows:

(e) *That the errors on page 3 of Appendix B of Report PED18169(a) respecting the Ward number, Report number and date, be corrected.*

For disposition of this matter, refer to Item 5.

(f) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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 Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal

Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

James Webb of WEBB Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

The recommendations were amended by adding the following sub-section (d):

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

For disposition of this matter, refer to Item 6.

(ii) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Ed Fothergill, Fothergill Planning & Development Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

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

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

For disposition of this matter, refer to Item 7.

Councillor Pearson relinquished the Chair to Councillor Farr.

(iii) Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Michael Fiorino, 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.

Stephen Fraser, A.J. Clarke and Associates Ltd., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Delegations

1. Paulette Gillies, 96 Creanona Blvd.

Paulette Gillies addressed the Committee and expressed concerns with the proposal.

The Delegation was received.

The public meeting was closed.

The recommendations were amended by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 8.

(iv) Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) (Item 8.4)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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 Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Jennifer Roth, 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.

John Ariens, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. John Ariens addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The agent's presentation was received.

Delegations

1. Trudy and Bill Moffatt, 584 Gray's Road

Trudy and Bill Moffatt addressed the Committee and expressed concerns with the proposal.

The Delegation was received.

The public meeting was closed.

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 9.

Staff were directed to report back to the Planning Committee on mechanisms to enforce height restrictions and alternative options at a future meeting.

Councillor Pearson assumed the Chair.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

- (a) The following Items were identified as completed and removed:

Item O - Status of Accessible Taxi Plate Apps (Addressed as Item 7.4 on this agenda)

Item S - Review of Overnight Parking Restrictions on through streets (Addressed as Item 10.2 on the December 11, 2018 agenda)

Item W - Application for Condo Conversion for 115 Main Street East (Addressed as Item 8.4 on the December 11, 2018 agenda)

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

Item C - OMB Decision re 121 Augusta Street
Current Due Date: January 15, 2019
Proposed New Due Date: April 19, 2019

Item G - Tree Cutting Services By-law
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019

Item I - Policies respecting Boulevard Standards
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019

Item J - Sign Variance Appeal, 430 McNeilly Road
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019

Item EE - Community Consultation re: Creative industries and film productions studios in the Barton & Tiffany lands
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019

Item FF - Update on Statement of Cultural Heritage Value of Interest re: Item 1 of HMHC Report 18-009
Current Due Date: December 11, 2018
Proposed New Due Date: June 18, 2019

Item HH - Cartier Crescent Extension - Information Report
Current Due Date: TBD
Proposed New Due Date: February 2020

(h) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee determined they did not need to move into Closed Session.

- (i) Appeal to LPAT (formerly OMB) for 609 and 615 Hamilton St. N., 3 Nisbet Blvd., 129-137 Truedell Circle (Town Centre) (PL171331) – OPA (UHOPA-17-03), ZBA (ZAC-17-013) and Plan of Subdivision (25T-201702) (LS19005) (Ward 15) (Item 14.1)**

For disposition of the matter refer to Item 10.

(i) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 1:25 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk