



PLANNING COMMITTEE

MINUTES 19-004

9:30 a.m.

Tuesday, March 19, 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

**Absent with
Regrets:** Councillor J. Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Municipal Heritage Committee Report 19-001 (Item 7.1)

(Farr/Danko)

1. Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2) (Item 9.2)

That Heritage Permit Application HP2018-046, for the erection of a new single detached dwelling on the designated property at 47 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" to Report PED19035, be approved subject to the following Heritage Permit conditions:

- (a) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas visible from the street, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (b) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,

- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2021. If the construction and site alterations are not completed by March 31, 2021, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton; and
- (d) That the proposed development shall comply with all of the applicable provisions of Zoning By-law No. 6593 and Minor Variance Application HM/A-18:431, to the satisfaction of the Director of Planning and Chief Planner.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19034) (City Wide) (Item 7.2)

(Farr/Danko)

That Report PED19034 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Update to the Letter of Credit Policy for Site Plan Control Applications (PED19043) (City Wide) (Item 7.3)

(Danko/Wilson)

- (a) That approval be given to the updated Letter of Credit Policy attached as Appendix “C” to Report PED19043, to take effect April 1, 2019; and,
- (b) That approval be given to increase the base amounts in the lump sum payment method of the Letter of Credit Policy each year in accordance with the Consumer Price Index (CPI) for Toronto.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko

YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

4. Imagining New Communities Public Open Houses (November 2018) (PED19055) (City Wide) (Item 7.4)

(Clark/Danko)

That Report PED19055 respecting Imagining New Communities Public Open Houses, be received.

CARRIED

5. Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Court Ruling (2019) (PED19062) (City Wide) (Item 7.5)

(Collins/Whitehead)

That Report PED19062 respecting Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Court Ruling (2019), be received.

CARRIED

6. Business Licensing By-law 07-170 Update (PED19064) (City Wide) (Item 7.6)

(Whitehead/Johnson)

That Report PED19064 respecting Business Licensing By-law 07-170 Update, be received.

CARRIED

7. Annual Report on Building Permit Fees (PED19069) (City Wide) (Item 7.7)

(Danko/Collins)

That Report PED19069 respecting Annual Report on Building Permit Fees, be received.

CARRIED

8. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) (Item 8.1)

(Johnson/Collins)

That Zoning By-law Amendment Application ZAA-18-052, by Neil Vanderkruk Holdings (Owner), for a modification to the Agricultural (A1) Zone in order to prohibit the construction of a single detached dwelling and residential care facility as required by the conditions of consent approval as shown on Appendix "A" to Report PED19042, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED19042, 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 “C” of Zoning By-law No. 05-200;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP); and,
- (d) ***That there were no public submissions received regarding this matter.***

Result: Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

9. Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) (Item 8.2)

(Farr/Whitehead)

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the City of Hamilton Official Plan to amend the ‘Commercial’ designation within the West Harbour - Setting Sail Secondary Plan to create a Special Policy Area to permit Production Studio as a permitted use for lands located within Barton-Tiffany Area, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18210(a), be adopted by Council;
 - (ii) That the proposed Official Plan Amendment (OPA) No. XX is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe 2017.

- (b) That approval be given to City Initiative CI-19-A to add a 'Production Studio' use to the site specific Downtown Mixed-Use Pedestrian Focus (D2) Zone in Hamilton By-law No. 05-200, to permit the development of a production studio on lands located within Barton-Tiffany Area (Hamilton), as shown on Appendix "A" to Report PED18210(a), be approved on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED18210(a), 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 Hamilton Official Plan and West Harbour - Setting Sail Secondary Plan subject to the proposed amendment.
- (c) That the matter respecting the Production Studio within the Barton and Tiffany Lands be identified as complete and removed from the Planning Committee Outstanding Business List; and,
- (d) ***That the public submissions received supported the approval of the proposed Zoning By-law Amendment.***

Result: Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

10. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 10.2)

(Johnson/Danko)

That approval be given to City Initiative CI-18-J, for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:

- (i) That the Draft By-law, ***as amended***, attached as Appendix "A" to Report PED19029 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP);
- (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

Result: Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

11. Urban Design Through Site Plan Control Authority (Item 11.1)

(Farr/Whitehead)

WHEREAS, for more than 10 years, the *Planning Act* under Section 41 has given municipalities the authority through site plan control to address “matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design”;

WHEREAS, careful attention to excellence in urban design and architecture in both the public and the private realm is essential to healthy, attractive and vibrant cities;

WHEREAS, the City of Hamilton Official Plan contains policies that encourages and promotes good urban design;

WHEREAS, to ensure excellence in urban design and architecture, the City has undertaken numerous initiatives including the creation of urban design guidelines, establishment of a Design Review Panel, and the hosting of a biannual Urban Design and Architecture Awards program;

WHEREAS, there is a clear and significant public interest in ensuring excellence in urban design and architecture;

WHEREAS, the Ontario Association of Architects has recently called upon the provincial government to exclude design as a matter that municipalities can address through site plan control; and,

WHEREAS, excluding matters of design from site plan control would essentially provide no means by which municipalities can ensure new development proposals adhere to principles of good urban design and architecture;

THEREFORE BE IT RESOLVED:

That the Mayor write to the Premier of Ontario, the Minister of Municipal Affairs and Housing, and the President of the Ontario Association of Architects to re-confirm the City of Hamilton's support for excellence in urban design and architecture and for retaining within the *Planning Act* a municipality's long-standing authority to address matters related to exterior design through the site plan process.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
NOT PRESENT – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

- 12. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11) (Item 14.2)**

(Johnson/Clark)

That the direction to staff respecting the Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) be approved and remain private and confidential until approved by Council.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead

YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.2 Sue Milling and Jennifer Jonas, FilmOntario, respecting Item 8.2, Official Plan and Zoning By-law Amendments to Add a Production Studio Use Within the Barton and Tiffany Lands

Recommendation: Be received and referred to the consideration of Item 8.2

- 5.3 Stephen Fraser, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200

Recommendation: Be received and referred to the consideration of Item 10.2

2. DELEGATION REQUESTS (Item 6)

- 6.1 Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (for today's meeting)

- 6.2 Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)

- 6.3 Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)

- 6.4 Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting)

3. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.3 Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) – Settlement Proposal (LS19012) (Ward 2)

(Farr/Wilson)

That the agenda for the March 19, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) February 19, 2019 (Item 4.1)

(Johnson/Danko)

That the Minutes of the February 19, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(Farr/Whitehead)

That Communication Items 5.1 and 5.3 as follows, be received and referred to the consideration of Item 10.2:

5.1 James Webb, Webb Planning Consultants, respecting 118 Hatt Street, Dundas.

5.3 Stephen Fraser, AJ Clarke and Associates Ltd.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(i) Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (for today's meeting) (Item 6.1)

(Farr/Collins)

That the Delegation Request from Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 1, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NO – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

(ii) Delegation Requests respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Items 6.2, 6.3 and 6.4)

(Farr/Wilson)

That the following Delegation Requests be approved for today's meeting:

6.2 Matt Johnston, UrbanSolutions;
6.3 Franz Kloibhofer, AJ Clarke and Associates Ltd.; and
6.4 Savan Chandaria, Tibro Group.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead

YES – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

(f) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) (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.

(Clark/Farr)

That the public meeting be closed.

CARRIED

Ryan Ferrari, Planning Technician, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Johnson/Farr)

That the staff presentation be received.

CARRIED

Chris Van Berkle, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Johnson/Collins)

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

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

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge

NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 8.

(ii) Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) (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 Official Plan Amendment and 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.

Edward John, Director of Housing Services, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Farr/Danko)

That the staff presentation be received.

CARRIED

Written Comments:

5.2 Sue Milling and Jennifer Jonas, FilmOntario, in support of the proposed Zoning By-law Amendment

(Farr/Danko)

That the written comments be received.

CARRIED

Delegations:

1. Caroline Puzinas, 20 Miles Court

Caroline Puzinas addressed the Committee in support of the proposed Zoning By-law Amendment.

(Farr/Wilson)

That the delegation be received.

CARRIED

(Farr/Collins)

That the public meeting be closed.

CARRIED

(Clark/Partridge)

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

(d) *That the public submissions received supported the approval of the proposed Zoning By-law Amendment.*

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 9.

(iii) Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (Added Item 8.3)

(Clark/Whitehead)

That the Delegation from Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road, be received.

CARRIED

(iv) Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.4)

Matt Johnston, UrbanSolutions, addressed the Committee respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca

(Farr/Clark)

That the Delegation from Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, be received.

CARRIED

- (v) **Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.5)**

(Farr/Whitehead)

That the Delegation from Franz Kloibhofer, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, be received.

CARRIED

- (vi) **Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (Added Item 8.6)**

(Wilson/Danko)

That the Delegation from Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200, be received.

CARRIED

(g) DISCUSSION ITEMS (Item 10)

- (i) **Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1)**

(Farr/Whitehead)

That Report PED19017 respecting the Durand Neighbourhood Character Study Review, be deferred to the April 16, 2019 Planning Committee Meeting.

CARRIED

- (ii) **Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 10.2)**

Timothy Lee, Senior Planner, provided an overview of the proposed Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200.

(Whitehead/Farr)

That the proposed changes to the C5A Zone in By-law No. 05-200 be deferred back to staff for further consultation with development industry key stakeholders.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson

YES – Councillor Jason Farr

NOT PRESENT – Councillor Chad Collins

YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

Timothy Lee, Senior Planner, advised the Committee that a Motion from the February 19, 2019 Planning Committee meeting was approved, to add an additional land designated District Commercial within the Fruitland Winona Secondary Plan, to the C6 Zone, and to add a Special Exception to also permit offices on the ground floor.

(Whitehead/Danko)

(i) That recommendation (i) of Report PED19029, respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 be amended by adding the words “as amended”, to read as follows:

(i) That the Draft By-law, **as amended**, attached as Appendix “A” to Report PED19029 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That Subsection 11.1.3.c)i) paragraph iii) TOC 1 Zone, in Appendix “A” to Report PED19020 be amended to delete wording, as indicated by the strikethrough text, to read as follows:

~~Notwithstanding Sub-sections i) and ii) a~~ **A** minimum 7.5 meters for lots abutting a ~~Residential Zone or Institutional Zone or lot containing a Residential Use~~ Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.

(iii) That Schedule “C” – Special Exception 581 affecting lands located at 51-55 Cootes Drive and 110 King Street East be amended to allow for a modification in the interior side yard setback of 1.3 metres along the southerly portion of the building facing Cootes Drive in Dundas.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Pearson/Farr)

That staff be directed to amend Zoning By-law 05-200 to add lands located at 394 Winona Road to District Commercial (C6, 727) Zone, with a Special Exception, on the following basis:

727. Within the lands zoned District Commercial (C6) Zone, identified on maps 1258 and 1311 of Schedule "A" – Zoning Maps and described as 394 Winona Road, the follow special provisions shall apply:
- a) Notwithstanding Section 10.6.1.1i)2), Offices shall also be permitted on the ground floor.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Johnson/Clark)

That Section 5.2h)ii) to Appendix "D" of Report 19029 be amended to add the words "square metres" under the "Proposed Revised Zone Regulation" column, to read:

Each landscaped Area and Landscaped Parking Island shall have a minimum are of 10.0 **square metres**.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Johnson/Wilson)

That Section 14 of By-law No. 05-200 be deleted in its entirety and the remainder numbered accordingly.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Farr/Whitehead)

That the request from James Webb, Webb Consulting (Item 5.1) to withdraw the property at 118 Hatt Street, Dundas from the housekeeping amendment and that the proposed zoning remain in abeyance until such time as site development is complete, be approved.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Farr/Whitehead)

That the request from Stephen Fraser, AJ Clarke and Associates Ltd., to amend Special Exception 310 of Zoning By-law 05-200 for the property at 906 Main Street West, to remove the minimum interior side yard setback requirement adjacent to an existing residential use that is within the TOC 1 Zone, be approved.

Result: *Amendment* CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Farr/Clark)

That the request from Matt Johnston, UrbanSolutions, to amend the Special Exceptions applicable to the properties located at 43-51 King Street East and 60 King William Street, Hamilton be approved, as follows:

Special Exception 626

- (a) The drive aisle width for the 90 degree parking aisle width shall be a minimum of 5.5 metres;
- (b) The barrier free parking spaces shall be a minimum of 4.4 metres in width and 5.5 metres in length; and,
- (c) The minimum number of bicycle parking space units shall be at a rate of 0.35 spaces per unit.
- (d) 10% of the total number of bicycle parking spaces shall be for short term bicycle parking.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Clark/Farr)

That Section 45 (1.3) of the *Planning Act* shall not apply to City of Hamilton By-law No. 18-011, and that the applicant can apply for a minor variance.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

For further disposition of this matter, refer to Item 10.

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

(i) Outstanding Business List (Item 13.1)

(Whitehead/Johnson)

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

Item EE – Add a Production Studio Use Within the Barton Tiffany Lands
(Addressed as Item 8.2 on this agenda)

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
NOT PRESENT – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – February 19, 2019 (Item 14.1)

(Johnson/Clark)

- (a) That the Closed Session Minutes of the February 19, 2019 Planning Committee meeting be approved, as presented; and,
- (b) That the Closed Session Minutes of the February 19, 2019 Planning Committee meeting, remain confidential.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
NOT PRESENT – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Farr/Wilson)

That the Committee move into Closed Session respecting Item 14.2 and 14.3, pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario 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.

- (ii) **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (Ward 11) (LS19003/PED19031) (Ward 11) (Item 14.2)**

Staff were provided with direction in Closed Session.

For disposition of the matter refer to Item 12.

- (iii) **Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) – Settlement Proposal (LS19012) (Ward 2) (Added Item 14.3)**

(Farr/Collins)

- (a) That the direction provided to staff in Closed Session, be approved;
- (b) That Report LS19012 respecting Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL18022) – Settlement Proposal and its recommendations remain confidential.

Due to the time-sensitivity of the matter, the item was referred to the March 20, 2019 Special Council meeting for approval.

- (j) **ADJOURNMENT (Item 15)**

(Farr/Danko)

That, there being no further business, the Planning Committee be adjourned at 4:02 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee