



PLANNING COMMITTEE REPORT 21-016

October 19, 2021

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J.P. Danko (Chair)
J. Farr (2nd Vice Chair), M. Pearson, L. Ferguson, M. Wilson and
J. Partridge

Absent with Regrets: Councillor B. Johnson - Personal

Also in Attendance: Councillor E. Pauls

THE PLANNING COMMITTEE PRESENTS REPORT 21-016 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21194) (City Wide) (Item 7.1)

That Report PED21194 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Appeal of Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191) (Ward 11) (Item 7.2)

That Report PED21191 respecting Appeal of Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook), be received.

3. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) (Item 7.3)

That Report PED21199 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown), be received.

4. Noise Control By-law Update (PED21166) (City Wide) (Item 10.1)

- (a) That the legislative changes to the City of Hamilton Noise Control By-law 11-285 regarding the prohibition of noise in connection with the delivery of goods described in Report PED21166, detailed in the proposed amending By-law, attached as Appendix “A” to Report PED21166, be approved;
- (b) That the amending By-law to regulate noise and to amend Noise Control By-law 11-285, attached as Appendix “A” to Report PED21166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

5. Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) (Item 10.2)

That Staff be directed to withdraw the appeal letter respecting Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton, which was filed by staff against the decision of the Committee of Adjustment to the Ontario Land Tribunal, which will allow the Committee of Adjustment’s decision to permit a maximum building height of 108.0 metres on the subject site.

6. Municipal Law Enforcement Weekly Updates to Council (Item 11.1)

WHEREAS, Municipal Law Enforcement provides weekly updates to Council respecting enforcement activities;

WHEREAS, these updates include weekly Covid - 19 enforcement, CCMLE Concerns Received for 19 different Bylaws to date, Current LBS Enforcement Priorities and Hotspots and Parks Penalties list.

THEREFORE BE IT RESOLVED:

That Municipal Law Enforcement staff be requested to include Encampment Enforcement in these weekly updates, to include: tickets issued, calls for enforcement/complaints, and the number of encampment sites (including the number of tents at each site) in each of the six step process and the expedited process that follows the six step process.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.1 Chris Erl respecting Election Signs

Recommendation: Be received.

2. DELEGATION REQUESTS (Item 6)

6.2 Delegation Requests respecting Encampment Enforcement (Item 11.1) (For today's meeting)

(a) Virtual Delegations:

- (iii) Janice Brown - Moved to 6.2(b)(viii)
- (iv) Lukas Iafrates - Moved to 6.2(b)(iii)
- (vi) Marie Valentine - Moved to 6.2(b)(iv)

*Added Virtual Delegations:

- (vii) Paul McDonald
- (viii) Ted Pudney
- (ix) Janice Warner

(b) Pre-recorded Delegations:

- (ii) Bruce Speck
- (iii) Lukas Iafrates
- (iv) Marie Valentine
- (v) Gina Kiriakopoulos
- (vi) Erica Cymbuluk
- (vii) Glen Patzalek
- (viii) Janice Brown

- 6.3 Matt Johnston respecting Appeal for 44 Hughson Street (Item 10.2)
(For today's meeting) - WITHDRAWN

The agenda for the October 19, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Wilson declared a conflict with Item 10.2 respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198), as her spouse is a Corporate Board Member of Fengate Capital.

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

(i) October 5, 2021 (Item 4.1)

The Minutes of the October 5, 2021 meeting were approved, as presented.

(d) CONSENT ITEMS (Item 5)

(i) Chris Erl respecting Election Signs (Added Item 5.1)

The correspondence from Chris Erl respecting Election Signs, was received.

(e) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Item 6.1 – 6.2)

The following Delegation Requests were approved for today's meeting:

6.1 Robert Cooper respecting Election Signs

6.2 Delegation Requests respecting Encampment Enforcement (Item 11.1)

(a) Virtual Delegations:

- (i) Denise Hancock
- (ii) Julie Lieff
- (v) Dakota Devenyi
- (vii) Paul McDonald
- (viii) Ted Pudney
- (ix) Janice Warner

(b) Pre-recorded Delegations:

- (i) Maria del Carmen Orlandis-Habsburgo
- (ii) Bruce Speck
- (iii) Lukas Iafrates
- (iv) Marie Valentine
- (v) Gina Kiriakopoulos
- (vi) Erica Cymbuluk
- (vii) Glen Patzalek
- (viii) Janice Brown

(f) **CONSENT ITEMS (Item 7)**

- (i) **Appeal of Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191) (Ward 11) (Item 7.2)**

Charlie Toman, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 2.

- (ii) **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) (Item 7.3)**

Rino Dal Bello, Senior Planner – Urban Team, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 3.

(g) **PUBLIC HEARINGS / DELEGATIONS (Item 9)**

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko advised 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 before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1173 and 1203 Old Golf Links Road (PED21197) (Ward 12) (Item 9.1)

No members of the public were registered as Delegations.

Melanie Schneider, Planner 2, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Franz Khloibhofer with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Franz Khloibhofer with AJ Clarke & Associates, was received.

The public meeting was closed.

(a) That Urban Hamilton Official Plan Amendment application UHOPA-19-02, by 2008042 Ontario Inc., Owner, to amend Schedule “B” – Natural Heritage System to remove a Linkage and recognize the location of the existing watercourse, to amend Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features to recognize the location of the existing watercourse, to amend Schedule “E-1” – Urban Land Use Designations to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Open Space”, to amend the Meadowlands Mixed Use Secondary Plan to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Natural Open Space” and to modify the Site Specific Policy – Area A to permit a multiple dwelling with a maximum density of 93 units per hectare, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21197, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment application ZAC-19-002, by 2008042 Ontario Inc., Owner, to further modify the Mixed Use Medium Density (C5, 329, H86) Zone and for a change in zoning on a portion of the lands from the Mixed Use Medium Density (C5, 329, H86) Zone to the Conservation / Hazard Lands (P5) Zone to permit a six storey, 101 unit multiple dwelling and to recognize the location of an existing watercourse, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21197, 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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED21197 were **amended** by adding the following sub-section (c):

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

Report PED21197, **as amended**, was DEFERRED to a future Planning Committee meeting to allow the Ward Councillor, staff, and the applicant to review and reconsider the proposal.

(ii) Robert Cooper respecting Election Signs (Added Item 9.2)

Robert Cooper addressed the Committee respecting Election Signs.

The Delegation from Robert Cooper respecting Election Signs, was received.

(iii) Delegation Requests respecting Encampment Enforcement (Item 11.1) (Added Item 9.3)

The following delegation was not in attendance when called upon:

(a)(v) Dakota Devenyi

The following delegations addressed the Committee respecting Encampment Enforcement:

(a) Virtual Delegations:

- (i) Denise Hancock
- (ii) Julie Lieff
- (vii) Paul McDonald
- (viii) Ted Pudney
- (ix) Janice Warner

(b) Pre-recorded Delegations:

- (i) Maria del Carmen Orlandis-Habsburgo
- (ii) Bruce Speck
- (iii) Lukas Iafrates
- (iv) Marie Valentine
- (v) Gina Kiriakopoulos
- (vi) Erica Cymbuluk
- (vii) Glen Patzalek
- (viii) Janice Brown

The above Delegations respecting Encampment Enforcement, were received.

For disposition of this matter, refer to Item 6.

The Committee Recessed from 12:55 p.m. to 1:10 p.m.

(h) DISCUSSION ITEMS (Item 10)

- (i) Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) (Item 10.2)**

Joe Buordolone, Planning Technician I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 5.

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

(i) General Manager's Update (Added Item 13.1)

Jason Thorne, General Manager of Planning and Economic Development, and Steve Robichaud, Director of Planning and Chief Planner, congratulated Shannon McKie, Senior Project Manager – Urban Team, on being awarded the West End Homebuilders Association's Women in Industry Young Contributor Award.

The General Manager's Update, was received.

(j) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – October 5, 2021 (Item 14.1)

- (a) The Closed Session Minutes dated October 5, 2021, were approved, as presented; and,
- (b) The Closed Session Minutes dated October 5, 2021, are to remain private and confidential.

(k) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 2:02 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator