



**PLANNING COMMITTEE
REPORT
23-006**

April 18, 2023

9:30 a.m.

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

Present: Councillor J.P. Danko (Chair)
Councillor T. Hwang (1st Vice Chair)
Councillor C. Cassar (2nd Vice Chair)
Councillors J. Beattie, M. Francis, C. Kroetsch, T. McMeekin,
N. Nann, M. Tadeson, A. Wilson, M. Wilson

Absent with Regrets: Councillor E. Pauls – Personal

THE PLANNING COMMITTEE PRESENTS REPORT 23-006 AND RESPECTFULLY RECOMMENDS:

1. Amendments to Site Alteration By-law 19-286 (PED23067) (City Wide) (Item 11.1)

That the amending By-law permitting Employment Lands to obtain a Site Alteration permit in advance of Draft Plan Approval and minor technical amendments and improvements attached as Appendix “A” to Report PED23067 and prepared in a form satisfactory to the City Solicitor, be passed.

2. Demolition Permit - 295 Hamilton Drive, Ancaster (PED23085) (Ward 12) (Item 11.2)

(a) That the Chief Building Official be authorized to issue a demolition permit for 295 Hamilton Drive, Ancaster, in accordance with By-law 22-101, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- (i) That the applicant has applied for and received a building permit for a replacement building on this property;
- (ii) That the said building permit specifies that if the replacement building is not erected within four (4) years of the demolition of the

existing building on the property, the City be paid the sum of \$20,000 which sum:

- (1) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
- (2) is a lien or charge on the property until paid; and
- (iii) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

3. Demolition Permit - 196 Stanley Avenue (PED23086) (Ward 1) (Item 11.3)

- (a) That the Chief Building Official be authorized to issue a demolition permit for 196 Stanley Avenue, Hamilton, in accordance with By-law 22-101, pursuant to Section 33 of The Planning Act, subject to the following conditions:
 - (i) That the applicant has applied for and received a building permit for a replacement building on this property;
 - (i) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (1) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (2) is a lien or charge on the property until paid; and
 - (iii) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

4. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-018) and Zoning By-law Amendment Application (ZAC-22-032) for lands located at 909 North Waterdown Drive, Waterdown (LS23006/PED23062(a)) (Ward 15) (Added Item 15.2)

- (a) That the directions to staff in closed session respecting Report LS23006/PED23062(a) be approved;

- (b) That the directions to staff in closed session respecting Report LS23006/PED23062(a) be released to the public, following approval by Council;
 - (c) That the balance of Report LS23006/PED23062(a) remain confidential.
- 5. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-022) and Zoning By-law Amendment Application (ZAC-22-048) for lands located at 2900 King Street East, Hamilton (LS23007/PED23073(a)) (Ward 5) (Added Item 15.3)**
- (a) That the direction to staff in closed session respect Report LS23007/PED23073(a) be approved;
 - (b) That the direction to staff in closed session respect Report LS23007/PED23073(a) be released to the public, following approval by Council; and
 - (c) That the balance of Report LS23007/PED23073(a) remain confidential.
- 6. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 & 3190 Regional Road 56, Binbrook (LS23009/PED23058(a)) (Ward 11) (Added Item 15.4)**
- (a) That the directions to staff in closed session respecting Report LS23009/PED23058(a) be approved;
 - (b) That the directions to staff in closed session respecting Report LS23009/PED23058(a) be released to the public, following approval by Council;
 - (c) That the balance of Report LS23009/PED23058(a) remain confidential.
- 7. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road 56, Binbrook (LS23010/PED23057(a)) (Ward 11) (Added Item 15.5)**
- (a) That the directions to staff in closed session respecting Report LS23010/PED23057(a) be approved;
 - (b) That the directions to staff in closed session respecting Report LS23010/PED23057(a) be released to the public, following approval by Council;

- (c) That the balance of Report LS23010/PED23057(a) remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELGATION REQUESTS

- 6.1 Mike Crough, Arcadis IBI Group, respecting Demolition Permit for 196 Stanley Ave (Item 11.3) (For today's meeting)

15. PRIVATE AND CONFIDENTIAL

- 15.2 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-018) and Zoning By-law Amendment Application (ZAC-22-032) for lands located at 909 North Waterdown Drive, Waterdown (LS23006/PED23062(a)) (Ward 15)
- 15.3 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-022) and Zoning By-law Amendment Application (ZAC-22-048) for lands located at 2900 King Street East, Hamilton (LS23007/PED23073(a)) (Ward 5)
- 15.4 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 & 3190 Regional Road 56, Binbrook (LS23009/PED23058(a)) (Ward 11)
- 15.5 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road 56, Binbrook (LS23010/PED23057(a)) (Ward 11)

The agenda for the April 18, 2023 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) April 4, 2023 (Item 4.1)

The Minutes of the April 4, 2023 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Mike Crough, Arcadis IBI Group, respecting Demolition Permit for 196 Stanley Ave (Item 11.3) (For today's meeting) (Added Item 6.1)

The Delegation Request from Mike Crough, Arcadis IBI Group, respecting Demolition Permit for 196 Stanley Ave (Item 11.3), was approved for today's meeting.

(e) DELEGATIONS (Item 7)

(i) Mike Crough, Arcadis IBI Group, respecting Demolition Permit for 196 Stanley Ave (Item 11.3) (For today's meeting) (Added Item 7.1)

Mike Crough, Arcadis IBI Group, addressed the Committee respecting a Demolition Permit for 196 Stanley Avenue and requested a modification.

The Delegation from Mike Crough, Arcadis IBI Group, respecting Demolition Permit for 196 Stanley Ave (Item 11.3), was received.

(f) DISCUSSION ITEMS (Item 11)

(i) Demolition Permit - 295 Hamilton Drive, Ancaster (PED23085) (Ward 12) (Item 11.2)

(a) That the Chief Building Official be authorized to issue a demolition permit for 295 Hamilton Drive, Ancaster, in accordance with By-law 22-101, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- (i) That the applicant has applied for and received a building permit for a replacement building on this property;
- (ii) That the said building permit specifies that if the replacement building is not erected within two (2) years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (1) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and

- (2) is a lien or charge on the property until paid; and
- (iii) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Sub-section (a)(ii) in the recommendations of Report PED23085, was **amended**, as follows:

- (ii) That the said building permit specifies that if the replacement building is not erected within ~~two (2)~~ **four (4)** years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:

For disposition of this matter, refer to Item 2.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) General Manager's Update (Added Item 14.1)

The General Manager's Update, was received.

(g) PRIVATE AND CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – April 4, 2023 (Item 15.1)

The Closed Session Minutes dated April 4, 2023 were approved, as presented, and are to remain confidential.

The Committee moved into Closed Session for Items 15.2, 15.3, 15.4, and 15.5 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) 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 municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- (ii) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-018) and Zoning By-law Amendment Application (ZAC-22-032) for lands located at 909 North Waterdown Drive, Waterdown (LS23006/PED23062(a)) (Ward 15) (Added Item 15.2)**

For disposition of this matter, refer to Item 4.

- (iii) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-022) and Zoning By-law Amendment Application (ZAC-22-048) for lands located at 2900 King Street East, Hamilton (LS23007/PED23073(a)) (Ward 5) (Added Item 15.3)**

For disposition of this matter, refer to Item 5.

- (iv) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 & 3190 Regional Road 56, Binbrook (LS23009/PED23058(a)) (Ward 11) (Added Item 15.4)**

For disposition of this matter, refer to Item 6.

- (v) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road 56, Binbrook (LS23010/PED23057(a)) (Ward 11) (Added Item 15.5)**

For disposition of this matter, refer to Item 7.

(h) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 10:28 a.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator