



**PLANNING COMMITTEE
REPORT
22-014**

September 6, 2022

9:30 a.m.

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

Present: Councillor B. Johnson (Chair)
Councillor L. Ferguson (1st Vice Chair),
Councillor M. Wilson (2nd Vice Chair)
Councillors J.P. Danko, J. Partridge, J. Farr, and M. Pearson

Also in Attendance: Councillor VanderBeek

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Hamilton Municipal Heritage Committee 22-008 (Item 7.1)**
 - (i) Notice of Intention to Demolish the Buildings Located at 164-168 King Street East, Hamilton, being Non-designated Properties Included in the Register of Property of Cultural Heritage Value or Interest (PED22178) (Ward 2) (Item 8.1)**
 - (a) That no action be taken in response to the Notice of Intention to Demolish the existing buildings located at 164-168 King Street East, Hamilton, properties included in the City's Register of Property of Cultural Heritage Value or Interest;
 - (b) That an Interpretation Plan and a Documentation and Salvage Report be submitted to the satisfaction and approval of the Manager of Heritage and Urban Design prior to any site plan approval;
 - (c) The properties located at 164-168 King Street East, Hamilton, be removed from the Register following demolition of the existing buildings.

2. Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) (Item 9.1)

- (a) That City of Hamilton Official Plan Amendment Application UHOPA-20-001 by T. Johns Consulting Group c/o Katelyn Gillis, on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner), for an amendment to the West Harbour (Setting Sail) Secondary Plan to redesignate the lands from Low Density Residential to Medium Density Residential 1 with a site specific policy area, to permit a 12 unit multiple dwelling for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22177, 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 the Growth Plan for the Greater Golden Horseshoe (2019), as amended;
- (b) That Amended Zoning By-law Amendment Application ZAR-20-001 by T. Johns Consulting Group (c/o Katelyn Gillis), on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner), for a change in zoning from Neighbourhood Institutional (I1) Zone to a Neighbourhood Institutional (I1, 815) Zone, to permit a two and three storey addition for a 12 unit multiple dwelling to the existing heritage building with 10 parking spaces, for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED22177, 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 the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (iii) That this By-law will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. _____.

3. Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) (Item 9.2)

- (a) That Zoning By-law Amendment Application ZAR-20-040, by Urban in Mind c/o Terrance Glover on behalf of Wendell Thompson, Raymond Thompson and Brad Hood (Owners), for a change in zoning from

Settlement Institutional (S3) Zone to Settlement Residential (S1, 818) Zone, in order to permit the adaptive reuse of a vacant place of worship for a single detached dwelling, for the lands known as 1552 Concession 2 West, as shown on Appendix “A” attached to Report PED22179, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED22179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (iii) The proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2020, as amended), and complies with the Rural Hamilton Official Plan.

4. Daniel Artenosi and Steven Dejonckheere respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street (Added Item 9.4)

That staff be directed to report back on the Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street to the September 19, 2022 Public Works Committee meeting.

5. Public Consultation on Sustainable Building and Development Guidelines – Low Density Residential Uses (PED22185) (City Wide) (Item 10.2)

- (a) That Report PED22185, (City Initiative CI-22-I) including the report titled Sustainable Building and Development Guidelines Phase 1 – Low Density Residential Uses - Background Research Report, attached as Appendix “A” to Report PED22185, be received;
- (b) That staff be authorized to proceed with public engagement for the proposed Sustainable Building and Development Guidelines for Low Density Residential Checklist attached as Appendix “B” to Report PED22185 and report back to the Planning Committee on the feedback received, including the identification of the preferred approach for the Sustainable Building and Development Guidelines incorporation into the City of Hamilton’s Site Plan Guidelines.

6. Nuisance Party By-Law (PED22156) (City Wide) (Item 10.3)

- (a) (i) That the draft Nuisance Party By-Law to regulate nuisance parties, attached as Appendix “A” to Report PED22156 which has been prepared in a form satisfactory to the City Solicitor, be adopted;

- (ii) That 0.5 FTE for a Supervisor position and funding for the necessary training of By-Law staff within the Licensing and By-Law Services Division to administer the Nuisance Party By-Law be referred to the 2023 Operating Budget;
 - (iii) That the matter respecting this item, Item 22F from the Planning Committee Meeting on February 15, 2022, be identified as complete and removed from the Outstanding Business List.
- (b) That the Mayor and City Manager correspond and meet with McMaster University and Hamilton Police Service to hold discussions regarding McMaster's contribution to the cost of police services and City resources including Fire, EMS, and By-law Enforcement to plan and respond to nuisance parties in the University District Safety Initiative area (McMaster University).

7. Demolition Permit for 195 Fallingbrook Drive, Ancaster (Item 11.1)

WHEREAS the subject property at 195 Fallingbrook Drive in Ancaster is owned by Diane and Robert Billi;

WHEREAS the owners are prepared to build immediately upon receipt of the building permit approval;

WHEREAS the owners are currently in a rental home that is being demolished in six months;

WHEREAS site plan approval has taken longer than expected creating timing issues to build prior to the winter season.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 195 Fallingbrook Drive in Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

8. Demolition Permit for 530 Winona Road (Item 11.2)

WHEREAS, the owner/consultant of the above-mentioned property would like to demolish the existing dwelling without having to replace it with a new dwelling; and,

WHEREAS, there have been ongoing issues with the vacant home being repeatedly trespassed and vandalized creating ongoing safety and security concerns for the surrounding neighbours and owner.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 530 Winona Rd, Stoney Creek, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

9. Demolition Permit for 44 Lakeshore Drive (Added Item 12.1)

WHEREAS, the owner/developer of the above-mentioned property would like to demolish the existing dwelling that is boarded up without having to replace it with a new dwelling at this time as this lot along with several other properties are incorporated in an overall redevelopment proposal being completed currently; and,

WHEREAS, two previous demolition permits were issued for two other properties in this development proposal and have been demolished.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 44 Lakeshore Drive, Stoney Creek, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.3 Daniel Artenosi and Steven Dejonckheere respecting Request for By-law Exemption for 386 Wilcox Street (For today's meeting)
- 6.4 John Fairland respecting Legality of Rental Housing By-law No. 21-166 (For the September 20th meeting)

2. CONSENT ITEMS (Item 7)

- 7.2 Enhancement of Digital Sign Portfolio (CM22004) (City Wide) – WITHDRAWN

3. PUBLIC HEARINGS/ DELEGATIONS (Item 9)

- 9.3 Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13)

(b) Added Delegation Requests

(i) Michele Gunn

4. NOTICE OF MOTIONS (Item 12)

- 12.1 Demolition Permit for 44 Lakeshore Drive

5. DEFERRALS BY COMMITTEE MEMBERS

- 9.3 Councillor Partridge requested Item 9.3 respecting Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13), and the associated Written Submissions (Item 9.3 (a)(i)-(ix)) and Registered Delegation (Added Item 9.3 (b)(i)) be DEFERRED to Q1 of 2023.

- 10.1 Councillor Pearson requested Item 10.1 respecting Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent (Stoney Creek) (PED22150) (Ward 10) and associated Delegation

Requests Item 6.1 be DEFERRED to the September 20, 2022 Planning Committee meeting.

The agenda for the September 6, 2022 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared an interest with Item 6.4 respecting John Fairland respecting Legality of Rental Housing By-law No. 21-166, as she is a landlord of rental properties.

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

(i) August 9, 2022 (Item 4.1)

The Minutes of the August 9, 2022 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Lakewood Beach Community Council respecting Development Agreements with Agenda Items (Item 5.1)

The correspondence from Lakewood Beach Community Council respecting Development Agreements with Agenda Items, was REFERRED to the Chief Planner for a report back to the September 20, 2022 Planning Committee meeting.

(e) DELEGATION REQUESTS (Item 6)

(i) Various Delegations (Item 6.2, and Added Items 6.3 and 6.4)

The following Delegation Requests (Item 6.2, and Added Items 6.3 and 6.4) were approved as follows:

- (i) Ryan Reid respecting Sunday Gun Hunting in Flamborough, (For the September 20, 2022 meeting) (Item 6.2)
- (ii) Daniel Artenosi and Steven Dejonckheere respecting Request for By-law Exemption for 386 Wilcox Street (For today's meeting) (Added Item 6.3)
- (iii) John Fairland respecting Legality of Rental Housing By-law No. 21-166 (For the September 20th meeting) (Added Item 6.4)

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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

In accordance with the provisions of the *Planning Act*, Chair Johnson 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 Development applications 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 for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) (Item 9.1)

The staff presentation was waived.

Katelyn Gillis with T. Johns Consulting Group, was in attendance and indicated support for the staff report.

The delegation from Katelyn Gillis with T. Johns Consulting Group, was received.

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

- (a) There were no public submissions received regarding this matter; and,
- (b) The Public Meeting was Closed.

For disposition of this matter, refer to Item 2.

(ii) Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) (Item 9.2)

The staff presentation was waived.

Terrance Glover with Urban In Mind, was in attendance and indicated support for the staff report.

The delegation from Terrance Glover with Urban In Mind, was received.

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

- (a) There were no public submissions received regarding this matter; and,
- (b) The Public Meeting was Closed.

For disposition of this matter, refer to Item 3.

(iii) Daniel Artenosi and Steven Dejonckheere respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street (Added Item 6.3)

Daniel Artenosi and Steven Dejonckheere addressed the Committee respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street.

The Delegation from Daniel Artenosi and Steven Dejonckheere respecting a Request for an Exemption from By-laws 06-26 & R84-026 for 386 Wilcox Street, was received.

For disposition of this matter, refer to Item 4.

(g) DISCUSSION ITEMS (Item 10)

(i) Public Consultation on Sustainable Building and Development Guidelines – Low Density Residential Uses (PED22185) (City Wide) (Item 10.2)

Mallory Smith, Planner 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.

(ii) Nuisance Party By-Law (PED22156) (City Wide) (Item 10.3)

Ben Spychaj, 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 6.

(h) NOTICES OF MOTION (ITEM 12)

(i) Demolition Permit for 44 Lakeshore Drive (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for 44 Lakeshore Drive.

For disposition of this matter, refer to Item 9.

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

(i) Outstanding Business List (Item 13.1).

The following changes to the Outstanding Business List, were approved:

(a) Items Requiring New Due Dates:

19BB - Parking Fee Review (PED19238)

Current Due Date: September 6, 2022

Proposed New Due Date: September 20, 2022

19EE - Angela Riley respecting a Request for a Taxi Stand

Current Due Date: September 20, 2022

Proposed New Due Date: Late Q2 2023

22i - Luca Giuliano respecting the 12 Hour Parking Rule (Item 9.1)

Current Due Date: September 6, 2022

Proposed New Due Date: November 29, 2022

(j) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 12:06 p.m.

Councillor B. Johnson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator