



**PLANNING COMMITTEE
REPORT
22-007**

May 3, 2022
9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Councillors B. Johnson and J. Farr - Personal

THE PLANNING COMMITTEE PRESENTS REPORT 22-007 AND RESPECTFULLY RECOMMENDS:

1. Amendment to the Infill Notice By-law No. 21-207 (PED22102) (City Wide) (Item 7.1)

That the By-law, attached as Appendix "A" to Report PED22102 to amend City of Hamilton By-law No. 21-207, a By-law to Regulate Public Information Notices at Infill Construction Sites, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

2. Appointment By-law under the *Building Code Act, 1992* (PED22099) (City Wide) (Added Item 7.2)

(a) That the draft By-law attached as Appendix "A" to Report PED22099, respecting the appointment of a Chief Building Official, Deputies and Inspectors, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted; and

(b) That By-law 22-041, being a by-law respecting the Appointments of a Chief Building Official, Deputies and Inspectors be repealed.

3. Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) (Item 9.1)

(a) That Zoning By-law Amendment Application ZAA-22-006, by Fothergill Planning and Development Inc. on behalf of Schiedel Ranch Holdings

Inc., (Owner), for a change in zoning from Agriculture (A1) Zone to the Agriculture (A1,118) Zone and Agriculture (A1, 770) Zone, in order to prohibit construction of a single detached dwelling and a residential care facility, and to recognize a reduced front yard setback, reduced lot area and an increased Gross Floor Area for Accessory Buildings as required by the condition of Consent approval, for the lands known as 9270 Haldibrook Road, as shown on Appendix "A" attached to Report PED22073, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED22073, 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 modifications in zoning are consistent with the Provincial Policy Statement (2020), conform to the Greenbelt Plan (2017) and comply with the Rural Hamilton Official Plan.

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

4. Zoning By-law Amendment Application for Lands Located at 1640 Trinity Church Road, Glanbrook (PED22087) (Ward 11) (Item 9.2)

(a) That Zoning By-law Amendment Application ZAA-22-010, by Harvinder Wallace (Owner), for a change in zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Conservation/Hazard Land-Rural (P7, 773) Zone and Conservation/Hazard Land-Rural (P8, 773) Zone to prohibit development of a single detached dwelling and a residential care facility, as required by the conditions of Consent approval, as shown on Appendix "A" attached to Report PED22087, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED22087, 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) That the proposed modifications in zoning are consistent with the Provincial Policy Statement, 2020, conform to the Greenbelt Plan and comply with Rural Hamilton Official Plan.

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

5. Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12) (Item 10.1)

That Report PED22096 respecting Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster, be received.

6. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400,402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster)(PED22070) (Ward 12) (Item 10.2)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, be DENIED on the following basis:
- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.
 - (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;
- (b) That Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and

to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix "A" attached to Report PED22070, be DENIED on the following basis:

- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, setbacks, and massing;
- (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
- (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.

7. Waiving of Street Festival Fees (Item 11.1)

WHEREAS, over the past two years the COVID 19 Pandemic has significantly impacted the ability for street festivals to occur.

WHEREAS, street festivals are an important tool to support broader economic recovery planning.

WHEREAS, Hamilton Municipal Parking System typically charges a fee to help off-set the loss in revenue where street festivals remove metered on street parking from service.

WHEREAS, reducing the costs associated with street festivals could accelerate their return.

THEREFORE, BE IT RESOLVED:

- (a) That the fees typically applied to offset revenue losses from metered parking being removed from service be waived for street festivals qualifying under the Special Event Advisory Team (SEAT) process be waived for the 2022 season; and,
- (b) That the estimated revenue off-set for the Hamilton Municipal Parking System be funded from the Economic Development Investment Reserve (112221).

8. Liquor Sales Licences for Steel Town Cider (Item 11.2)

WHEREAS Steel Town Cider is operating at 150 Chatham St., Hamilton, Ontario.

WHEREAS Steel Town Cider began operations in 2017 moved to its current location at 150 Chatham St. beginning September 2020

WHEREAS Steel Town Cider has applied for and received manufacturing licenses and retail endorsements allowing it to brew and sell cider and beer at it's 150 Chatham St. location

WHEREAS in addition to brewing cider and beer, the business model has a retail, tourism and education component; and

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) requires written notice from the Council of the Municipality within which the applicant's site is located confirming that it has passed a resolution in support of the issuance of two Manufacturer's Limited Liquor Sales Licenses ("By the Glass") for both cider and beer, for tastings.

THEREFORE, BE IT RESOLVED:

That the Council of the City of Hamilton confirms their support for the issuance of two Manufacturer's Limited Liquor Sales Licenses ("By the Glass") for both cider and beer, for Steel Town Cider located at 150 Chatham St., Hamilton, Ontario.

9. Appeal to the Ontario Land Tribunal (OLT) for Refusal of an HCA Permit for Lands Located at 140 Garner Road East (Ancaster) (OLT-21-001567) (LS22020/PED22096(a)) (Ward 12) (Added Item 14.2)

- (a) That the directions to staff in closed session respecting Report LS22020/PED22096(a) be released to the public, following approval by Council;
- (b) That the balance of Report LS22020/PED22096(a) remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.1 Delegations respecting 140 Garner Road East (Item 10.1)

- (i) Don McLean, Hamilton 350 Committee
- (ii) Nancy Hurst, Stop Sprawl HamOnt

2. CONSENT ITEMS (Item 7)

7.2 Appointment By-law under the *Building Code Act, 1992*
(PED22099) (City Wide)

3. DISCUSSION ITEMS (Item 10)

10.1 Appeal of Draft Plan of Subdivision Application 25T-201806 for
Lands Located at 140 Garner Road East, Ancaster (PED22096)
(Ward 12)

(a) Added Written Submission:

- (i) Hailey Van Sickle
- (ii) Paula Grove
- (iii) Neal Bonnor
- (iv) Harriet Woodside
- (v) Laurel Imeson
- (vi) Kevin Butter
- (vii) Dennis and Patricia Baker
- (viii) Margaret Tremblay
- (ix) Janice Melnyk
- (x) Ingrid Harris
- (xi) Jan W. Jansen
- (xii) Rick Johnson
- (xiii) Liz Seymour
- (xiv) Juanita Lepage
- (xv) Lyn and Rick Folkes
- (xvi) Aileen McMilan
- (xvii) Caroline Fehr
- (xviii) David Wallis
- (xix) Yvonne Pigott
- (xx) Marjorie Middleton

- (xxi) Erin Davis
- (xxii) Leanna Nigro
- (xxiii) Stan Nowak
- (xxiv) Liz Koblyk
- (xxv) Marlene Cameron
- (xxvi) Lisa Hutchinson
- (xxvii) Gudrun Boehm-Johnson
- (xxviii) Kathy ROUNG
- (xxix) Peter Appleton
- (xxx) Michael Gill
- (xxxi) Cindy Jenkins
- (xxxii) Jeff Smith
- (xxxiii) Teodora Filipova
- (xxxiv) Enrico and Julie Palmese
- (xxxv) Patricia Cole-Stever
- (xxxvi) Miriam Sager
- (xxxvii) Joanne and Ron Palangio
- (xxxviii) Lynn Nielsen
- (xxxix) Daniel Coleman
- (xl) Craig Cassar
- (xli) Joyce Smith
- (xlii) Bruna Nota
- (xliii) Nancy Hurst
- (xliv) Akira Ourique
- (xlv) Steve and Annette van der Woerd
- (xlvi) Marie Covert
- (xlvii) John Geerts
- (xlviii) Barbara Davis
- (xlix) Aleda O'Connor
- (l) Chris and Gene Fitzpatrick
- (li) Liz Rabishaw
- (lii) Cynthia Bernstein
- (liii) Colin Seymour
- (liv) Carmel Mothersill
- (lv) Anne Washington
- (lvi) Marilyn Marchesseau
- (lvii) Linda Hughes
- (lviii) Heather Vaughan
- (lix) Carolyn VanHoevelaak
- (lx) Janet O'Sullivan
- (lxi) Louise McCann
- (lxii) Sarah Filice
- (lxiii) Gord McNulty
- (lxiv) Dorothy McIntosh
- (lxv) Peggy McKeil
- (lxvi) Carolanne Forster
- (lxvii) Virginia L. Gibson

(lxviii) Lynn M. Gates
(lxix) Adan Amer
(lxx) Susan Borghese
(lxxi) Eileen Booty
(lxxi) Janice Locke
(lxxii) Michael Gill

4. PRIVATE AND CONFIDENTIAL (Item 14)

14.2 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Draft Plan of Subdivision Application (25T-201806) for Lands Located at 140 Garner Road East (Ancaster) (OLT-21-001788) (LS22020/PED22096(a)) (Ward 12)

The agenda for the May 3, 2022 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) April 25, 2022 (Item 4.1)

The Minutes of the April 25, 2022 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Added Item 6.1)

The following Delegation Requests respecting 140 Garner Road East (Item 10.1), were approved for today's meeting:

- (i) Don McLean, Hamilton 350 Committee
- (ii) Nancy Hurst, Stop Sprawl HamOnt

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

In accordance with the *Planning Act*, Chair Ferguson 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 Ferguson 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) Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11) (Item 9.1)

No members of the public were registered as Delegations.

The staff presentation was waived.

Ed Fothergill with Fothergill Planning & Development Inc., was in attendance and indicated he was in support of the staff report.

The delegation from Ed Fothergill with Fothergill Planning & Development Inc., was received.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAA-22-006, by Fothergill Planning and Development Inc. on behalf of Schiedel Ranch Holdings Inc., (Owner), for a change in zoning from Agriculture (A1) Zone to the Agriculture (A1,118) Zone and Agriculture (A1, 770) Zone, in order to prohibit construction of a single detached dwelling and a residential care facility, and to recognize a reduced front yard setback, reduced lot area and an increased Gross Floor Area for Accessory Buildings as required by the condition of Consent approval, for the lands known as 9270 Haldibrook Road, as shown on Appendix "A" attached to Report PED22073, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "B" to Report PED22073, 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 modifications in zoning are consistent with the Provincial Policy Statement (2020), conform to the Greenbelt Plan (2017) and comply with the Rural Hamilton Official Plan.

The recommendations in Report PED22073 were **amended** by adding the following sub-section (b):

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

For disposition of this matter, refer to Item 3.

- (ii) **Zoning By-law Amendment Application for Lands Located at 1640 Trinity Church Road, Glanbrook (PED22087) (Ward 11) (Item 9.2)**

No members of the public were registered as delegations.

The staff presentation was waived.

Harvinder Wallace, Owner, was in attendance and indicated support for the staff report.

The delegation from Harvinder Wallace, Owner, was received.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAA-22-010, by Harvinder Wallace (Owner), for a change in zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Conservation/Hazard Land-Rural (P7, 773) Zone and Conservation/Hazard Land-Rural (P8, 773) Zone to prohibit development of a single detached dwelling and a residential care facility, as required by the conditions of Consent approval, as shown on Appendix "A" attached to Report PED22087, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "B" to Report PED22087, 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) That the proposed modifications in zoning are consistent with the Provincial Policy Statement, 2020, conform to the Greenbelt Plan and comply with Rural Hamilton Official Plan.

The recommendations in Report PED22087 were ***amended*** by adding the following sub-section (b):

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

For disposition of this matter, refer to Item 4.

(iii) Delegations respecting 140 Garner Road East (Item 10.1) (Added Item 9.3)

The following delegations addressed the Committee respecting 140 Garner Road East (Item 10.1):

- (i) Don McLean, Hamilton 350 Committee
- (ii) Nancy Hurst, Stop Sprawl HamOnt

The following delegations respecting 140 Garner Road East (Item 10.1), were received:

- (i) Don McLean, Hamilton 350 Committee
- (ii) Nancy Hurst, Stop Sprawl HamOnt

For disposition of this matter, refer to Items 5, 9 and (f)(i).

(f) DISCUSSION ITEMS (Item 10)

(i) Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12) (Item 10.1)

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Tim Vrooman, Senior Planner, respecting, Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster, was received.

The following written submissions (Added Item 10.1(a)), were received:

- (i) Hailey Van Sickle
- (ii) Paula Grove
- (iii) Neal Bonnor
- (iv) Harriet Woodside
- (v) Laurel Imeson
- (vi) Kevin Butter
- (vii) Dennis and Patricia Baker
- (viii) Margaret Tremblay
- (ix) Janice Melnyk
- (x) Ingrid Harris
- (xi) Jan W. Jansen
- (xii) Rick Johnson

- (xiii) Liz Seymour
- (xiv) Juanita Lepage
- (xv) Lyn and Rick Folkes
- (xvi) Aileen McMilan
- (xvii) Caroline Fehr
- (xviii) David Wallis
- (xix) Yvonne Pigott
- (xx) Marjorie Middleton
- (xxi) Erin Davis
- (xxii) Leanna Nigro
- (xxiii) Stan Nowak
- (xxiv) Liz Koblyk
- (xxv) Marlene Cameron
- (xxvi) Lisa Hutchinson
- (xxvii) Gudrun Boehm-Johnson
- (xxviii) Kathy Rong
- (xxix) Peter Appleton
- (xxx) Michael Gill
- (xxxi) Cindy Jenkins
- (xxxii) Jeff Smith
- (xxxiii) Teodora Filipova
- (xxxiv) Enrico and Julie Palmese
- (xxxv) Patricia Cole-Stever
- (xxxvi) Miriam Sager
- (xxxvii) Joanne and Ron Palangio
- (xxxviii) Lynn Nielsen
- (xxxix) Daniel Coleman
- (xl) Craig Cassar
- (xli) Joyce Smith
- (xlii) Bruna Nota
- (xliii) Nancy Hurst
- (xliv) Akira Ourique
- (xlv) Steve and Annette van der Woerd
- (xlvi) Marie Covert
- (xlvii) John Geerts
- (xlviii) Barbara Davis
- (xlix) Aleda O'Connor
- (l) Chris and Gene Fitzpatrick
- (li) Liz Rabishaw
- (lii) Cynthia Bernstein
- (liii) Colin Seymour
- (liv) Carmel Mothersill
- (lv) Anne Washington
- (lvi) Marilyn Marchesseau
- (lvii) Linda Hughes
- (lviii) Heather Vaughan
- (lix) Carolyn VanHoevelaak

- (Ix) Janet O'Sullivan
- (Ixi) Louise McCann
- (Ixii) Sarah Filice
- (Ixiii) Gord McNulty
- (Ixiv) Dorothy McIntosh
- (Ixv) Peggy McKeil
- (Ixvi) Carolanne Forster
- (Ixvii) Virginia L. Gibson
- (Ixviii) Lynn M. Gates
- (Ixix) Adan Amer
- (Ixx) Susan Borghese
- (Ixxi) Eileen Booty
- (Ixxi) Janice Locke
- (Ixxii) Michael Gill

For disposition of this matter refer to Items 5 and 9.

(g) 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 Review Fee (PED19238)
Current Due Date: September 7, 2021
Proposed New Due Date: July 5, 2022

(b) Items to Be Removed:

21L - Delegations respecting the OPA's Farm Labour House Policy
Item 9.2 on the May 4, 2021 Planning Committee Agenda

21G - Dedicated Mohawk College Enforcement (PED18220(b))
Item 10.2 on the April 20, 2021 Planning Committee Agenda

21N - Downtown Entertainment Precinct Master Agreement
(PED18168(g)) (City Wide) Item 14.2 on the June 2, 2021 General
Issues Committee Agenda

21W - Feasibility Report for a Biodiversity Action Plan (PED21065)
Item 1 on the April 7, 2021 General Issues Committee Agenda

(ii) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development, updated the Committee on the MCR/GRIDS2 report coming to the Planning Committee on May 17, 2022.

The General Manager's Update, was received.

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – April 25, 2022 (Item 14.1)

- (a) That the Closed Session Minutes dated April 25, 2022, be approved as presented; and,
- (b) That the Closed Session Minutes dated April 25, 2022, remain private and confidential.

The Committee moved into Closed Session respecting Added Item 14.2 pursuant to Section 9.1, 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 City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to 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 Refusal of an HCA Permit for Lands Located at 140 Garner Road East (Ancaster) (OLT-21-001567) (LS22020/PED22096(a)) (Ward 12) (Added Item 14.2)

For disposition of this matter refer to Item 9.

(i) **ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 11:44 a.m.

Councillor L. Ferguson
Acting Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator