



PLANNING COMMITTEE

MINUTES 12-019

9:30 am

Tuesday, December 4, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present: Councillor S. Duvall

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Appointment of Chair and Vice-Chairs (Item A)

(Ferguson/Pasuta)

- (a) That Councillor Farr be appointed as Chair of the Planning Committee for 2013;
- (b) That Councillor Johnson be appointed as 1st Vice Chair of the Planning Committee for 2013;
- (c) That Councillor Partridge be appointed as 2nd Vice Chair of the Planning Committee for 2013.

CARRIED

2. Application for an Amendment to Ministry of Environment Environmental Compliance Approval (Waste Site) No. 8902-8HKNPN, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED12230) (Ward 10) (Item 5.1)

(Pearson/Johnson)

Application for an Amendment to Ministry of Environment Environmental Compliance Approval (Waste Site) No. 8902-8HKNPN, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED12230) (Ward 10)

CARRIED

- 3. Committee of Adjustment Minor Variance Application GL/A-12:163 for the Property Located at 8226 White Church Road (Glanbrook), Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED12232) (Ward 11) (Item 5.2)**

(Pearson/Johnson)

That Council direct appropriate Legal Services and Planning staff to attend the Ontario Municipal Board (OMB) hearing to support the Committee of Adjustment's decision to deny Committee of Adjustment Minor Variance Application GL/A-12:163, to permit the construction of a 9.8m wide x 14.7m deep x 4.8m high accessory structure in the rear yard of the property located at 8226 White Church Road (Glanbrook), as shown on Appendix "A" to Report PED12232, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment.

CARRIED

- 4. Hamilton Municipal Heritage Committee Minutes 12-010 (Item 5.3)**

(Farr/Pearson)

That the Hamilton Municipal Heritage Committee Minutes 12-010, be received.

CARRIED

- 5. Delegation from Ken Kelly respecting a driveway adjustment (Item 6.1)**

(Whitehead/Pearson)

That Ken Kelly be allowed the width requested for his driveway at no cost to him and that all fees be waived.

CARRIED

- 6. Increase to Fees Under the Building By-law (PED12227) (City Wide) (Item 6.4)**

(Pearson/Johnson)

(a) That the By-law, attached as Appendix "A" to Report PED12227 to amend City of Hamilton By-law No. 08-161, the Building By-law, be enacted;

- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED12227, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees New Construction and Additions Building Classifications per the Building Code".

CARRIED

7. Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) (Item 6.5)

(Ferguson/Whitehead)

That approval be given to Amended Zoning Application ZAC-11-002, by 2110044 Ontario Inc. (Concession Medical Pharmacy) and Rita Corsini, Owners, for changes in zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, with a Special Exception (Blocks 1 and 2); from the Neighbourhood Institutional (I1) Zone to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, with a Special Exception (Block 3); from the "H" (Community Shopping and Commercial, Etc.) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Blocks 4 and 5); from the Neighbourhood Institutional (I1) Zone to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Block 6); and from the "C" (Urban Protected Residential) District to the "G-3/S-1656-'H'" (Public Parking Lots - Holding) District, Modified, with a Special Exception and a Holding Provision (Blocks 7 and 8), to permit the establishment of a public parking lot for the existing commercial buildings, with site-specific parking requirements, on lands located at 438, 444, 446, and 450 Concession Street; and to permit the retention of the existing dwelling on lands located at 18 East 18th Street (Hamilton), as shown on Appendix "A" to Report PED12239 on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED12239, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law, attached as Appendix "B" to Report PED12239, be added to District Map Nos. E-15 and W-14 of Zoning By-law No. 6593;
- (c) That the Draft By-law, attached as Appendix "C" to Report PED12239, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (d) That the lands referred to in the amending By-law, attached as Appendix "C" to Report PED12239, be removed from Map No. 1039 of Schedule "A" of By-law 05-200;
- (e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

CARRIED

8. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229) (Ward 7) (Item 8.1)

(Partridge/Collins)

That Council agrees to the following actions, as detailed in Report PED12229, respecting the appeal of City of Hamilton Committee of Adjustment Severance Application HM/B-12:01 (David and Sharon Almas, Owners), 11 Springside Drive (Hamilton) to permit the conveyance of an 850 sq. m. ± parcel of land for residential purposes and to retain a 915 sq. m. ± parcel of land containing an existing single detached dwelling, as shown on Appendix "A" to Report PED12229, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application HM/B-12:01;
- (b) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing in support of the appeal.

CARRIED

9. 2013 Tariff of Fees (PED12231) (City Wide) (Item 7.1)

(Johnson/Pearson)

- (a) That the draft revised Tariff of Fees by-law be added to Appendix "A" to Report PED12231, 2013 Tariff of Fees, to accompany Schedule "A", Schedule of Fees;
- (b) That By-law No. 04-003, being a By-law respecting Tariff of Fees, be rescinded and replaced with the revised Tariff of Fees by-law, as attached as Appendix "A" to Report PED12231, 2013 Tariff of Fees;
- (c) That the Tariff of Fees by-law and Schedule of Fees, as attached as Appendix "A" to Report PED12231, 2013 Tariff of Fees, which has been

prepared in a form satisfactory to the City Solicitor, be enacted and effective January 1, 2013;

- (d) That there be no fee increase for “routine” Committee of Adjustment applications for 2013.

CARRIED

10. Pan Am Stadium (PED12218) (Ward 3) (Item 7.2)

(Ferguson/Johnson)

That Information Report PED12218, Pan Am Stadium, be received.

CARRIED

11. Draft Provincial Policy Statement Review 2012 - City of Hamilton Comments (PED12235) (City Wide) (Item 7.3)

(Pearson/Partridge)

- (a) That City Council inform Ministry of Municipal Affairs and Housing that it supports the draft revisions to the Provincial Policy Statement (PPS), dated September 2012, in principle, and recommends the following action and changes identified in Appendix “A” of Report PED12235:
 - (i) To hold the proposed changes to Section 2.5 - Mineral Aggregate Resources of the draft PPS in abeyance, and to combine the PPS Policy review with the ongoing Aggregate Resources Act (ARA) review;
 - (ii) To modify policies and definitions for the purposes of clarification;
 - (iii) To add new policies, terms, and definitions to strengthen policies;
 - (iv) To delete policies that weaken or that may impact the City in a negative way;
- (b) That City Council request the Ministry of Municipal Affairs and Housing to amend the PPS to allow the Committee of Adjustment to impose conditions of approval on consents (severances) to ensure farm consolidation occurs in cases where residences become surplus to a farming operation;
- (c) That the City Clerk be requested to forward the recommendations and this staff Report to the Ministry of Municipal Affairs and Housing, Provincial Planning Policy Branch.

CARRIED

12. Committee of Adjustment Consent Application GL/B-11:102 for Lands Located at 6355 White Church Road (Glanbrook) (PED12238) (Ward 11) (Item 8.3)

(Johnson/Whitehead)

- (a) That staff be directed to reimburse the applicant for all associated surveying costs related to Application GL/B-11:102, for the property known municipally as 6355 White Church Road (Glanbrook), as it relates only to the change in lot configuration;
- (b) That the funding be provided from Dept. ID 812025, Account 44785, in the amount of \$1,808.00 and that payment is being made “without prejudice”.

CARRIED

13. Keeping of Chickens in Urban Areas (PED12247/BOH12039) (City Wide) (Item 8.4)

(Pearson/Ferguson)

That Information Report PED12247/BOH12039, Keeping of Chickens in Urban Areas, be received and that no further action be taken.

CARRIED

14. Ministry of the Environment Environmental Compliance Approvals Process (Previously Certificate of Approvals Process) (PED12246) (Item 8.5)

(Whitehead/Partridge)

That Planning staff be authorized to prepare and submit comments, on behalf of the City of Hamilton with concurrence from the respective Ward Councillor, to the Ministry of Environment, on applications for an Amendment to an Environmental Compliance Approval for Waste, as set out in Report PED12246.

CARRIED

15. Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster) (PED12199) (Ward 12) (referred from November 6, 2012) (Item 8.7)

(Ferguson/Whitehead)

That approval be given to **Condominium Application 25CDM-201205, Schuit Homes Inc., Owner**, to establish a Draft Plan of Condominium (Vacant Land) to create a vacant land condominium for 9 single-detached dwelling units, a common element road and natural area, and a 3.0m public access across the property, subject to an easement in favour of the City of Hamilton, on lands

known as 3-35 Greenleaf Lane (formerly 306 Woodworth Drive) (Ancaster), as shown on the attached location map marked as Appendix "A" to Report PED12199, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated May 25, 2012, as red-lined revised, showing the residential dwelling lots as Units 1-9, common elements, including Part 1 as a 3.0m access easement for public use, attached as Appendix "B" to Report PED12199;
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Ancaster Zoning By-law No. 87-57 and By-law 09-064 as amended;
- (c) That prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document detailing the maintenance requirements and obligations of the Condominium Corporation with respect to the common element road, constructed with the Hanson Aquapave permeable pavement system; and the owner shall further provide that the Condominium Corporation shall obtain the necessary approvals from the City of Hamilton for any change in construction material with respect to the common element road;
- (d) That prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document detailing the City of Hamilton's interest in Part 1 of the draft plan for the purposes of providing an easement exclusively for public use;
- (e) That the owner shall enter into a Development Agreement to ensure that each of the proposed 9 condominium units has legal interest, in common, to the Vacant Land Condominium, to the satisfaction of the City Solicitor;
- (f) That the owner shall agree to include in all Agreements of Purchase and Sale, and any rental or lease agreements required for occupancy, the following warning notices advising perspective buyers/tenants:
 - (i) "Purchasers/Tenants are advised that the future Condominium Corporation is responsible for all aspects of on-going maintenance, repair, and replacement, as need be, of all sewers, rear yard and street catch basins, and stormwater management systems located on the property and which service more than one unit, in accordance with the approved Site Plan (DA-11-072), along with any and all applicable maintenance schedules included with the Condominium Declaration Document."

- (ii) "Purchasers/Tenants are advised that the future Condominium Corporation is responsible for all aspects of on-going maintenance, repair, and replacement, as need be, of all trees, shrubs, and other vegetative plantings, decorative walls, pergolas, arbours, and visual barriers within the common elements of the property, in accordance with the approved Site Plan (DA-11-172)."
- (iii) "Purchasers/Tenants are advised that the erection or use of any building or structure (permanent or temporary) and fencing, the removal of any existing vegetation, and any maintenance, including the mowing of lawns or trimming of trees, within the 10.0m common element natural area provided at the rear of Units 6-9, and referenced in the approved Site Plan (DA-11-172), is prohibited, without the written approval of both the City of Hamilton and the Hamilton Conservation Authority."
- (iv) "Purchasers/Tenants are advised that the 3.0m easement connecting Robina Road to Perth Park, referenced in the approved Site Plan (DA-11-172), shall be provided in favour of the City of Hamilton exclusively for public use, and shall be maintained in accordance with the easement documents."
- (v) "Purchasers/Tenants are advised that large truck/vehicular movement will be limited throughout the approved condominium. As a result, municipal garbage collection vehicles will not enter the site. Garbage pick-up will, therefore, be co-ordinated and executed through the Condominium Agreement."
- (vi) "Purchasers/Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road."
- (vii) "Purchasers/Tenants are advised that parking shall be provided in designated areas only, and that no obstruction to the fire route is permitted."
- (g) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information;

- (h) That the owner shall complete the following, to the satisfaction of the Senior Director of Growth Management and Canada Post:
 - (i) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - (1) That the home/business mail delivery will be from a designated Centralized Mail Box.
 - (2) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.
 - (ii) The owner further agrees to:
 - (1) Work with the Senior Director of Growth Management and Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the condominium.
 - (2) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post and the Senior Director of Growth Management, to facilitate the placement of Community Mail Boxes.
 - (3) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
 - (4) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and the Senior Director of Growth Management, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- (i) That prior to registration, the owner shall agree that the lands, as shown in the draft plan, are subject to the conditions and undertaking of the final approved Site Plan (DA-11-172). The owner shall further agree that this information shall also be included in all Purchase and Sale and/or Lease/Rental Agreements for all units within the Vacant Land Condominium;

- (j) That the owner shall agree to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes;
- (k) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton;
- (l) That the owner shall enter into and register on title the Condominium Agreement incorporating the approved plan of condominium and related conditions.

CARRIED

16. Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton) (PED12118) (Ward 4) (tabled on July 10, 2012) (Item 8.8)

(Whitehead/Pearson)

That approval be given to Zoning Application ZAR-12-071, by Posner Processing Ltd., Owner, for a change in zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 447, H48) Zone, with a Special Exception and Holding Provision, in Hamilton Zoning By-law No. 05-200, in order to permit the expansion of the existing Salvage Yard at 610 Beach Road onto 586 Beach Road (Hamilton), as shown on Appendix "A" to Report PED12118, on the following basis:

- (a) That the revised draft By-law, that reflects the discussions between staff, the ward Councillor, the applicant and public stakeholders and implements a satisfactory form of buffering between the subject lands and adjacent residential uses. attached as Appendix "B" to Report PED12118, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan;
- (c) That the applicant also agrees that no torch cutting will occur until such time that all required Certificates of Approval from the Ministry of Environment have been obtained.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) APPOINTMENT OF CHAIR AND VICE-CHAIRS (Item A)

(Ferguson/Johnson)

That Councillor Partridge be nominated as the 2nd Vice Chair of the Planning Committee for 2013.

CARRIED

For disposition on this Item, refer to Item 1.

(b) CHANGES TO THE AGENDA (Item 1)

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

4. DELEGATION REQUESTS

- 4.2 Delegation Request from Anthony Chiarella respecting item 7.1, 2013 Tariff of Fees (PED12231) and item 8.2, City of Hamilton Revised Sidewalk Policy for New Development (PED12234), for today's meeting
- 4.3 Delegation Request from Wilfred Hart respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229), for today's meeting
- 4.4 Delegation Request from Ward Campbell respecting item 7.1, 2013 Tariff of Fees (PED12231), for today's meeting

7. PRESENTATIONS

- 7.1 2013 Tariff of Fees (PED12231) (City Wide)
 - (i) Correspondence from Winzen Homes Ltd.
 - (ii) Correspondence from Starward Homes Ltd.
 - (iii) Correspondence from Losani Homes**
 - (iv) Correspondence from Marz Homes**
 - (v) Correspondence from Dussin Quality Homes**
 - (vi) Correspondence from Sonoma Homes**
 - (vii) Correspondence from New Horizon Development Group Inc.**

(Ferguson/Collins)

That the Agenda for the December 4, 2012 meeting of the Planning Committee be approved, as amended.

CARRIED

(c) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest for Item 7.3, Draft Provincial Policy Statement Review 2012 - City of Hamilton Comments (PED12235) (City Wide), as his family is involved in the aggregate industry.

(d) APPROVAL OF MINUTES (Item 3)

(i) November 20, 2012

(Partridge/Collins)

That the Minutes of the November 20, 2012 Planning Committee meeting be approved.

CARRIED

(e) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from David Almas respecting Item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (Item 4.1)

(Pearson/Pasuta)

That the delegation request from David Almas, respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), be approved for today's meeting.

CARRIED

(ii) Delegation Request from Anthony Chiarella respecting item 7.1, 2013 Tariff of Fees (PED12231) and item 8.2, City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (Item 4.2)

(Pearson/Pasuta)

That the delegation request from Anthony Chiarella, respecting item 7.1, 2013 Tariff of Fees (PED12231) and item 8.2, City of Hamilton Revised Sidewalk Policy for New Development (PED12234), be approved for today's meeting.

CARRIED

- (iii) **Delegation Request from Wilfred Hart respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229) (Item 4.3)**

(Partridge/Collins)

That the delegation request from Wilfred Hart, respecting item 8.1, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229), be approved for today's meeting.

CARRIED

- (iv) **Delegation Request from Ward Campbell respecting item 7.1, 2013 Tariff of Fees (PED12231) (Item 4.4)**

(Partridge/Pasuta)

That the delegation request from Ward Campbell, respecting item 7.1, 2013 Tariff of Fees (PED12231), be approved for today's meeting.

CARRIED

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

- (i) **Delegation from Ken Kelly respecting a driveway adjustment (Item 6.1)**

Mr. Kelly addressed the Planning Committee respecting the widening of his driveway and requested that his driveway be adjusted to match the width of his garage.

(Ferguson/Partridge)

That the presentation from Ken Kelly respecting a driveway adjustment, be received.

CARRIED

For disposition on this Item, refer to item 5.

(ii) Delegation from James Roberts respecting the Hamilton Animal Control By-law (Item 6.2)

Mr. Roberts addressed the Planning Committee with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

Discussion included allowing for staff to work with Mr. Roberts and his neighbours by using the Neighbourhood Dispute Resolution Initiative.

(Whitehead/Pearson)

That the presentation from James Roberts respecting a driveway adjustment, be received.

CARRIED

(iii) Delegation from Darlene Miller respecting increased licensing fees for body rub parlours (Item 6.3)

(Collins/Ferguson)

That the delegation request from Darlene Miller respecting increased licensing fees for body rub parlours, be tabled until proceedings have been completed at the licensing tribunals.

CARRIED

(iv) Increase to Fees Under the Building By-law (PED12227) (City Wide) (Item 6.4)

No public speakers came forward.

(Pearson/Partridge)

That the public meeting respecting, Report PED12227, Increase to Fees Under the Building By-law, be closed.

CARRIED

(Pearson/Collins)

That the staff presentation respecting, Report PED12227, Increase to Fees Under the Building By-law, be waived.

CARRIED

For disposition on this Item, refer to item 6.

- (v) **Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton) (PED12239) (Ward 7) (Item 6.5)**

In accordance with the provision of the Planning Act, Vice-Chair J. Farr 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 approves the zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

(Ferguson/Pasuta)

That the public meeting respecting, Report PED12239, Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton), be closed.

CARRIED

(Johnson/Pearson)

That the staff presentation respecting, Report PED12239, Application for Approval of an Amendment to Hamilton Zoning By-law Nos. 6593 and 05-200 for Lands Known as 438, 444, 446, and 450 Concession Street and 18 East 18th Street (Hamilton), be waived.

CARRIED

For disposition on this Item, refer to item 7.

(Johnson/Whitehead)

That item 8.1, Report PED12229, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), be heard at this time.

CARRIED

(g) PRESENTATIONS (Item 7)

- (i) **2013 Tariff of Fees (PED12231) (City Wide) (Item 7.1)**

- (aa) Correspondence from Winzen Homes Ltd.
- (bb) Correspondence from Starward Homes Ltd.
- (cc) Correspondence from Losani Homes
- (dd) Correspondence from Marz Homes
- (ee) Correspondence from Dussin Quality Homes
- (ff) Correspondence from Sonoma Homes
- (gg) Correspondence from New Horizon Development Group Inc.

Guy Papparella provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

Jim Bruzzese, BMA Management Consulting, provided an overview of the consultant's report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Partridge)

That the staff presentation and consultants presentation respecting Report PED12231, 2013 Tariff of Fees, be received.

CARRIED

Speakers:

1. Sergio Manchia

Mr. Manchia, IBI Group, expressed concern with the increases and provided a spreadsheet with the increases outlined.

2. Anthony Chiarella

Mr. Chiarella, Hamilton-Halton Home Builders Association, expressed concerns with the increases and suggested that the fees be deferred.

Suzanne Mammel, Chair of Development Council, of HHHBA also addressed questions from the Committee.

3. Ward Campbell

Mr. Campbell, President, Starward Homes Ltd., expressed concerns with 100% cost recovery and the rate of increases.

(Johnson/Pearson)

That the public presentations and correspondence respecting Report PED12231, 2013 Tariff of Fees, be received.

CARRIED

(Ferguson/Pasuta)

That Report PED12231, 2013 Tariff of Fees, be tabled until January 15, 2013.

The motion LOST on the following vote:

Yeas: R. Pasuta, L. Ferguson, M. Pearson, T. Whitehead
Total: 4
Nays: B. Clark, C. Collins, J. Farr, B. Johnson, J. Partridge
Total: 5

(Johnson/Whitehead)

That there be no fee increase for "routine" Committee of Adjustment applications for 2013.

Amendment CARRIED

(Johnson/Pearson)

That Report PED12231, 2013 Tariff of Fees, be amended as follows:

- (a) That the draft revised Tariff of Fees by-law be added to Appendix "A" to accompany Schedule "A";
- (b) That By-law No. 04-003, being a By-law respecting Tariff of Fees, be rescinded and replaced with the revised Tariff of Fees by-law, as attached as Appendix "A";
- (c) That the Tariff of Fees by-law, as attached as Appendix "A", which has been prepared in a form satisfactory to the City Solicitor, be enacted.

Amendment CARRIED

(Collins/Farr)

- (a) That Planning and Engineering staff report back to Planning Committee with options to alternatives as it relates to a reduced fee schedule on tax incentive programs for heritage building applications;

- (b) That the report include a summary of current incentives offered to heritage property owners.

CARRIED

For disposition on this Item, refer to item 9.

Planning Committee recessed at 2:10 p.m., and reconvened at 2:26 p.m.

(ii) Pan Am Stadium (PED12218) (Ward 3) (Item 7.2)

Heather Travis, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Johnson)

That the staff presentation respecting Report PED12218, Pan Am Stadium, be received.

CARRIED

Robert Johnston and Neil Vorhrah, design team and developer for the stadium, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Whitehead)

That the presentation respecting Report PED12218, Pan Am Stadium, be received.

CARRIED

(Ferguson/Farr)

That staff report back to the Planning Committee to show final schematics of the stadium and civic plaza once they are satisfied it meets the Urban Design criteria.

CARRIED

For disposition on this Item, refer to item 10.

(iii) Draft Provincial Policy Statement Review 2012 - City of Hamilton Comments (PED12235) (City Wide) (Item 7.3)

(Johnson/Pasuta)

That staff be directed to request a definition of “economic opportunities” from the Provincial Government for Rural Areas, specifically in Section 1.1.4.8.

CARRIED

For disposition on this Item, refer to item 11.

(h) DISCUSSION ITEMS (Item 8)

- (i) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton) (PED12229) (Ward 7) (Item 8.1)**

(Pearson/Partridge)

That the staff presentation respecting PED12229, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), be received.

CARRIED

Speakers:

1. David Almas

Mr. Al Freeman, on behalf of David Almas, addressed committee and requested that the item be tabled until the January 15, 2013.

2. Wilfred Hart

Mr. Hart addressed committee with concerns over maintaining the open concept of the area.

(Collins/Pasuta)

That the public presentations respecting PED12229, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-12:01, David and Sharon Almas (Owners), 11 Springside Drive (Hamilton), be received.

CARRIED

The main motion CARRIED on the following vote:

Yeas: J. Farr, C. Collins J. Partridge, R. Pasuta, L. Ferguson,
T. Whitehead, B. Johnson
Total: 7
Nays: M. Pearson
Total: 1
Absent: B. Clark
Total: 1

For disposition on this Item, refer to item 8.

(ii) City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide) (Item 8.2)

Sally Yong-Lee, Acting Manager, Infrastructure Planning, and Tony Sergi, Senior Director of Growth Management, provided an overview of the revised policy and answered questions from Committee members.

(Collins/Pearson)

That Matt Johnson be permitted to speak to Report PED12234, City of Hamilton Revised Sidewalk Policy for New Development.

CARRIED

1. Anthony Chiarella

Mr. Chiarella, Hamilton-Halton Home Builders Association, expressed concerns with the sidewalks with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

Mr. Chiarella also asked that this item be deferred.

2. Matt Johnston

Mr. Johnston, IBI Group, expressed concerns with sidewalks on both sides of the road.

(Partridge/Pearson)

That the public presentations respecting Report PED12234, City of Hamilton Revised Sidewalk Policy for New Development, be received.

CARRIED

(Ferguson/Pearson)

That Report PED12234, City of Hamilton Revised Sidewalk Policy for New Development, be referred back to staff and that the revised sidewalk policy be reviewed and reported back as part of the report on the Comprehensive review of engineering guidelines for development.

CARRIED

(iii) Committee of Adjustment Consent Application GL/B-11:102 for Lands Located at 6355 White Church Road (Glanbrook) (PED12238) (Ward 11) (Item 8.3)

(Johnson/Whitehead)

That the recommendations be deleted and replaced with the following recommendations, to read as follows:

- (a) That staff be directed to reimburse the applicant for all associated surveying costs related to Application GL/B-11:102, for the property known municipally as 6355 White Church Road (Glanbrook), as it relates only to the change in lot configuration;
- (b) That the funding be provided from Dept. ID 812025, Account 44785, in the amount of \$1,808.00 and that payment is being made "without prejudice".

Amendment CARRIED

For disposition on this Item, refer to item 12.

(iv) Keeping of Chickens in Urban Areas (PED12247/BOH12039) (City Wide) (Item 8.4)

The main motion CARRIED on the following vote:

Yeas: L. Ferguson, C. Collins, R. Pasuta, J. Partridge, M. Pearson, T. Whitehead

Total: 6

Nays: J. Farr

Total: 1

Absent: B. Clark, B. Johnson

Total: 2

For disposition on this Item, refer to item 13.

(v) Hamilton Municipal Heritage Committee Report 12-005 (Item 8.6)

(Collins/Whitehead)

That the Hamilton Municipal Heritage Committee Report 12-005, be tabled in order to have staff report back to the Planning Committee with further details.

CARRIED

(vi) Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton) (PED12118) (Ward 4) (tabled on July 10, 2012) (Item 8.8)

Collins/

That Report PED12118, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton), be amended as follows:

- (a) That a revised draft by-law be attached and replace Appendix B to Report PED12118, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton), and that the revised by-law reflects the discussions between staff, the ward Councillor, the applicant and public stakeholders and implements a satisfactory form of buffering between the subject lands and adjacent residential uses;
- (b) That recommendation (i) to Report PED12118, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton), be amended by adding the words "revised" before the words "draft By-law";
- (c) That the applicant also agrees that no torch cutting will occur until such time that all required Certificates of Approval from the Ministry of Environment have been obtained.

Amendment CARRIED

For disposition on this Item, refer to item 13.

(i) NOTICES OF MOTION (Item 10)

Councillor Collins introduced the following Notice of Motion:

(i) Pier 8 Master Plan (Item 10.1)

- (a) That upon receipt of the Setting Sail OMB order for Pier 8 and the completion of servicing studies, Master Plan Options be developed for the pier;
- (b) That the scope of work include new street/access configurations, land tenure/subdivision of lands, urban design guidelines/features; all to best accommodate the approved land use scheme;
- (c) That part of the Master Planning exercise include a public Design Charrette to solicit public input.

Councillor Whitehead expressed his interest in placing a Notice of Motion for a charrette for Auchmar.

(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

That the following Outstanding Business List due dates be revised:

(Pearson/Whitehead)

- (aa) Item B: Woodland Manor (PED08306)
Current Due Date: December 4, 2012
New Due Date: June 18, 2013
- (bb) Item E: Protection Measures for Existing Stable Residential Areas (Monster Homes) (PED11196)
Current Due Date: December 4, 2012
New Due Date: September 17, 2013
- (cc) Item I: Racing Pigeons
Current Due Date: December 4, 2012
New Due Date: February 19, 2012
- (dd) Item K: By-law 05-200, to Modify General Commercial "C3-116" and "C3-117" Zone and add Site Specific General Commercial "C3-275" Zone to the Glanbrook Zoning By-law No. 464
Current Due Date: December 4, 2012
New Due Date: April 20, 2013

- (ee) Item L: Municipal Services and Property Taxation on Condo Properties
Current Due Date: December 4, 2012
New Due Date: April 2, 2013

CARRIED

(Pearson/Pasuta)

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

- (a) Item S: Pan Am Stadium
- (b) Item C: Sidewalk Policy
- (c) Item F: Presentation from Tesfaye Gebrezghi, P. Eng., from the Ministry of the Environment respecting the Certificate of Approvals Process
- (d) Item J: Urban Chickens

CARRIED

(ii) News from the General Manager (Item 11.2)

The General Manager provided updates of current events and initiatives within the department.

Mr. McCabe also thanked Councillor Clark for a job well done as Chair of the Planning Committee for 2012.

(k) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 6:26 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk