



PLANNING COMMITTEE

MINUTES 13-003

9:30 am

Tuesday, February 19, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

**1. Accessible Taxicab Licensing Consultation Staff Resources (PED10063(f))
(City Wide) (Item 5.1)**

(Whitehead/Pearson)

That, in accordance with the direction to hire a consultant to conduct a review of the regulation of the taxicab industry to be completed before January 2015, including an assessment of accessible taxicab service in Hamilton, approval be given to hire one (1) temporary, full-time Project Manager for 12 months (at an estimated cost of \$95,000 to be financed from the Parking Reserve Account No. 108021).

CARRIED

**2. Parking Enforcement in Wards 9, 10, 11, 12, 13, 14 and 15 (PED13035)
(Wards 9, 10, 11, 12, 13, 14 and 15) (Item 5.2)**

(Whitehead/Pearson)

(a) That staff be authorized and directed to discontinue the services of the mobile Canadian Corps of Commissionaires (Hamilton) in Wards 9, 10, 11, 12, 13, 14 and 15 at the expiry of the current Agreement on April 30, 2013;

- (b) That 1.0 Parking Control Officer FTE be approved at an estimated annual cost of \$79,068 (full cost recovery) for parking enforcement services in Wards 9, 10, 11, 12, 13, 14 and 15;
- (c) That staff be authorized and directed to purchase one (1) vehicle at an estimated annual cost of \$25,728 to be financed from the Operating Budget.

CARRIED

3. Enforcement of Businesses Operating without a Licence (PED13037) (City Wide) (Item 5.3)

(Pearson/Johnson)

- (a) That Report PED13037, Enforcement of Businesses Operating without a Licence, be received;
- (b) That staff be directed to advise the respective Ward Councillor to assist in compliance of applications.

CARRIED

4. Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (PED13032) (Ward 7) (Item 6.2)

(Collins/Pearson)

That approval be given to Zoning By-law Amendment Application ZAR-12-002, by Chappel South Developments, Owners, for changes in zoning from the "RT-20/S-1252" (Townhouse - Maisonette) District, Modified (Block 1) and the "AA" (Agriculture) District (Block 2) to the "R-4" (Small Lot Single Family Detached) District, to facilitate the construction of a new single detached dwelling, following the re-alignment of Jessica Street, in accordance with approved Draft Plan of Subdivision "Chappel Estates - Phase 4" (25T200202), on the lands located at 0 Jessica Street (Hamilton), as shown on Appendix "A" to Report PED13032, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the proposed changes in zoning are consistent with the Provincial Policy Statement, and conform with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

CARRIED

5. **Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) (Item 6.3)**

(Ferguson/Clark)

- (a) That approval be given to Zoning By-law Amendment Application ZAR-12-033, 1449814 Ontario Limited, Owner for changes in Zoning from the General Business Park (M2) Zone, in Hamilton Zoning By-law 05-200, to permit office uses within the existing building shown as Building "E" on Appendix "B" of Report PED13031, having a maximum gross floor area of 3,735 square metres, but not including a medical clinic, located at 1295 Cormorant Road (Ancaster);
- (b) That staff be directed to prepare the implementing zoning by-law amendment.

CARRIED

6. **Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)**

(Pearson/Partridge)

- (a) That the amending by-law attached as Appendix "A" to Report PD05141(c) which is in a form satisfactory to the City Solicitor, and which amends the General Provisions to Schedule 25 (Taxis) of the Licensing By-Law, be approved;
- (b) That the Vehicle Inspection Manual (VIM), attached as Appendix "B" as amended to Report PD05141(c), which includes the addition of standards for modifications of accessible taxis, be approved for use in taxicab and limousine vehicle licensing inspections.

CARRIED

7. **Design Consultant for York Boulevard Parkade (PED13034) (Ward 2) (Item 8.2)**

(Collins/Ferguson)

- (a) That staff be authorized and directed to negotiate a single source contract, in a form satisfactory to the City Solicitor, with Read Jones Christoffersen Consulting Engineers to complete the design specifications, tender documents and project management/warranty review for the remaining five (5) phases of the York Boulevard Parkade rehabilitation (28 York Boulevard) which is scheduled to occur from 2013 – 2017;
- (b) That the associated costs for the design specifications, tender documents and project management/warranty review for the York Boulevard Parkade

rehabilitation, not to exceed \$75,000 per phase (total \$375,000), be funded from the Parking Reserve Account No. 108021.

CARRIED

8. Ancaster Tree Preservation By-law (Verbal Update – no copy) (Item 8.3)

(Person/Ferguson)

That the verbal update respecting the Ancaster Tree Preservation By-law, be received.

CARRIED

9. Taxi Insurance Premiums (Item 9.2)

(Collins/Clark)

Whereas taxi service is an important transportation option for many citizens in the City of Hamilton,

And whereas taxi fares are regulated by the City's Licensing By-Law for reasons of consumer protection,

And whereas it has been reported that taxi insurance premiums are increasing by as much as 400%.

Therefore, be it resolved:

- (a) That City Council supports Hamilton taxi owners and operators by asking the Provincial Government to review changes to Ontario's vehicle insurance system which resulted in significant increases to taxi insurance premiums, and to consider legislation to correct the situation;
- (b) That a copy of the motion be forwarded to Hamilton's Local MPPs for their consideration and support;
- (c) That a copy of this resolution be forwarded to the Minister of Finance and AMO.

CARRIED

10. **OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application (LS13004) (Item 12.1)**

(Whitehead/Pearson)

- (a) That Report LS13004, OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application, be received;
- (b) That Report LS13004, OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application, and the direction given to staff in closed session, remain confidential.

CARRIED

11. **Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005) (Item 12.2)**

(Partridge/Whitehead)

- (a) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be received;
- (b) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;
- (c) That recommendations (c) and (d) contained in Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc., be made public upon Council approval.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS
 - 4.1 Delegation from Andy Hale respecting item 6.1 Sunday Gun Hunting in the City of Hamilton
2. PUBLIC HEARINGS AND DELEGATIONS
 - 6.1 Delegation from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton
 - (aa) Correspondence from John Brittain
 - (bb) Petition from Charlie Bois respecting Sunday Gun Hunting
 - (cc) Correspondence from Angelo and Monika Fiorino
 - (dd) Correspondence from Kathryn Bennett
 - (ee) Correspondence from Wendy Webber
 - (ff) Correspondence from Mel Switzer
 - (gg) Correspondence from Drew Spoelstra
3. NOTICES OF MOTION
 - 10.1 Taxi Insurance Premiums
4. PRIVATE AND CONFIDENTIAL
 - 12.1 OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application (LS13004) (Delivered Under Separate Cover)

- 12.2 Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005) (Delivered Under Separate Cover)

(Pearson/ Johnson)

That the Agenda for the February 19, 2013 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest in the following items, as his family is involved with one of the businesses (taxi):

- Accessible Taxicab Licensing Consultation Staff Resources (PED10063(f)) (City Wide) (Item 5.1)
- Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)
- Taxi Insurance Premiums (Item 10.1)

(c) APPROVAL OF MINUTES (Item 3)

(i) February 5, 2013

(Pearson/Collins)

That the Minutes of the February 5, 2013 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation from Andy Hale respecting item 6.1 Sunday Gun Hunting in the City of Hamilton (Item 4.1)

(Johnson/Pasuta)

That the delegation request from Andy Hale respecting item 6.1 Sunday Gun Hunting in the City of Hamilton on today's agenda, be approved.

CARRIED

(e) CONSENT ITEMS (Item 5)

**(i) Enforcement of Businesses Operating without a Licence (PED13037)
(City Wide) (Item 5.3)**

(Pearson/Clark)

That staff be directed to advise the respective Ward Councillor to assist in compliance of applications.

CARRIED

For disposition on this Item, refer to item 3.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

**(i) Delegation from the Ontario Federation of Anglers and Hunters
respecting Sunday Gun Hunting in the City of Hamilton (Item 6.1)**

- (aa) Correspondence from John Brittain
- (bb) Petition from Charlie Bois respecting Sunday Gun Hunting
- (cc) Correspondence from Angelo and Monika Fiorino
- (dd) Correspondence from Kathryn Bennett
- (ee) Correspondence from Wendy Webber
- (ff) Correspondence from Mel Switzer
- (gg) Correspondence from Drew Spoelstra

Bob McRae, Ontario Federation of Anglers and Hunters, spoke to the benefits of Sunday gun hunting and expressed the support of Sunday gun hunting.

(Ferguson/Johnson)

That the presentation from the Ontario Federation of Anglers and Hunters, respecting item 6.1, Delegation from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton, be received.

CARRIED

Andy Hale expressed his support for not having Sunday gun hunting.

(Ferguson/Johnson)

That the presentation from Mr. Hale, respecting item 6.1, Delegation from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton, be received.

CARRIED

(ii) Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (PED13032) (Ward 7) (Item 6.2)

In accordance with the provision of the Planning Act, 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 amendment, 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/Whitehead)

That the public meeting respecting, Report PED13032, Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (Ward 7), be closed.

CARRIED

(Pearson/Ferguson)

That the staff presentation respecting, Report PED13032, Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (Ward 7), be waived.

CARRIED

For disposition on this Item, refer to item 4.

(iii) Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) (Item 6.3)

In accordance with the provision of the Planning Act, 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 amendment, 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/Pearson)

That the public meeting respecting, Report PED13031, Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster), be closed.

CARRIED

Timothy Lee, 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 PED13031, Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster), be received.

CARRIED

John Ariens, agent, provided an overview of the application and expressed the benefits of the zoning application.

(Pearson/Ferguson)

That the agent's presentation respecting, Report PED13031, Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster), be received.

CARRIED

(Ferguson/Clark)

That the recommendations to report PED13031, Zoning By-law Amendment Application ZAR-12-033, by 1449814 Ontario Limited, Owner, be deleted and replaced with the following revised recommendations:

- (a) That approval be given to **Zoning By-law Amendment Application ZAR-12-033, 1449814 Ontario Limited, Owner** for changes in Zoning from the General Business Park (M2) Zone, in Hamilton Zoning By-law 05-200, to permit office uses within the existing building shown as Building "E" on Appendix "B" of Report PED13031, having a maximum gross floor area of 3,735 square metres, but not including a medical clinic, located at 1295 Cormorant Road (Ancaster);

- (b) That staff be directed to prepare the implementing zoning by-law amendment.

Amendment CARRIED

For disposition on this Item, refer to item 5.

(g) DISCUSSION ITEMS (Item 8)

- (i) **Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)**

(Clark/Pearson)

- (a) That staff review standards for modification of accessible taxis;
- (b) That staff consult with Transport Canada for Standards for Modifications of accessible taxis;
- (c) That the standards for modification of accessible taxis be added to the vehicle inspection manual PD05141(c).

CARRIED

For disposition on this Item, refer to item 6.

(h) MOTIONS (Item 9)

- (i) **Incentive and Loan Programs (Item 9.1)**

(Whitehead/Pearson)

That the motion respecting the Incentive and Loan Programs, be tabled.

CARRIED

(i) NOTICES OF MOTION (Item 10)

Councillor Collins introduced the following Notice of Motion:

- (i) **Taxi Insurance Premiums (Item 10.1)**

Whereas taxi service is an important transportation option for many citizens in the City of Hamilton,

And whereas taxi fares are regulated by the City's Licensing By-Law for reasons of consumer protection,

And whereas it has been reported that taxi insurance premiums are increasing by as much as 400%.

Therefore, be it resolved:

- (a) That City Council supports Hamilton taxi owners and operators by asking the Provincial Government to review changes to Ontario's vehicle insurance system which resulted in significant increases to taxi insurance premiums, and to consider legislation to correct the situation;
- (b) That a copy of the motion be forwarded to Hamilton's Local MPPs for their consideration and support;
- (c) That a copy of this resolution be forwarded to the Minister of Finance and AMO.

(Collins/Pearson)

That the rules be waived to hear the notice of motion respecting Taxi Insurance Premiums as a motion at today's meeting.

CARRIED

(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/Johnson)

- (aa) Item G: Racing Pigeons
Current Due Date: February 19, 2013
Proposed Due Date: April 30, 2013
- (bb) Item F: Request the province to Establish a process to govern the quality of Fill Imported to a Receiving Site
Current Due Date: March 19, 2013
Proposed Due Date: April 2, 2013
- (cc) Item K: Dust Control: Clean Air Hamilton 2011 Progress Report (BOH12015) (City Wide)
Current Due Date: Q1 2013
Proposed Due Date: Q1 2014

CARRIED

(Pearson/Clark)

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

- (a) Item Z: Ancaster Tree Preservation By-law
- (b) Item N: 530 Sherman Ave. N. Application for Approval of Waste Disposal Sites Processing Facility

CARRIED

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

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

(k) PRIVATE AND CONFIDENTIAL (Item 12)

- (i) OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application (LS13004)**

For disposition on this Item, refer to item 10.

- (ii) Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005)**

For disposition on this Item, refer to item 11.

(l) ADJOURNMENT

(Pearson/Whitehead)

That, there being no further business, the Planning Committee adjourn at 12:34 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk