



PLANNING COMMITTEE

MINUTES 13-010

9:30 am

Tuesday, June 18, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor B. Johnson – City Business

Also Present: Councillor T. Jackson
Councillor B. McHattie

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Establishment of a Specialized By-law Enforcement Unit (PED13108) (City Wide) (Item 5.1)**

(Clark/Pearson)

That Report PED13108, Establishment of a Specialized By-law Enforcement Unit, be received.

CARRIED

- 2. Parked Facing the Wrong Way (PED13109) (City Wide) (Item 5.2)**

(Partridge/Pearson)

That Report PED13109, Parked Facing the Wrong Way, be received.

CARRIED

3. Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 99 Wellington Street (Flamborough) (PED13092) (Ward 15) (Item 6.2)

(Partridge/Pasuta)

That approval be given to Zoning Application ZAR-12-038, by Maureen Laughlin, for a change in zoning from the Urban Residential (Single Detached) "R1-5" Zone, to the Urban Residential (Single Detached) "R1-61" Zone, with a Special Exception, to facilitate the severance of an existing corner lot for the creation of one addition single detached residential lot, on lands located at 99 Wellington Street (Flamborough), as shown on Appendix "A" to Report PED13092, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13092, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 6 of Zoning By-law No 90-145-Z as "R1-61".

CARRIED

4. Parkside Drive Improvements (Highway 6 to 500 m East of Churchill Avenue) Municipal Class Environmental Assessment (PED13097) (Ward 15) (Item 7.1)

(Partridge/Pearson)

- (a) That the General Manager, Planning and Economic Development Department, be authorized and directed to file the Parkside Drive Municipal Class Environmental Assessment, Environmental Study Report with the Municipal Clerk for a minimum thirty (30) day public review period;
- (b) That upon completion of the minimum thirty (30) day public review period, the General Manager, Planning and Economic Development Department be authorized and directed to submit as part of the Capital Budget process the preferred alternative design as recommended in the Parkside Drive Environmental Study Report;
- (c) That the implementation of the Parkside Drive improvements be separated into two (2) phases;
 - (i) That the preferred alternative for the section of Parkside Drive from Highway 6 to Main Street be implemented first;
 - (ii) That the preferred alternative for the section of Parkside Drive east of Main Street to 500 m East of Churchill Avenue not be implemented

until the East- West Corridor (from Parkside Drive to Highway 6) is constructed and the preferred alternative is reviewed at that time.

CARRIED

5. Rental Housing Supplementary Findings of December 11, 2012 Special Planning Committee Meeting (PED10049(I)) (City Wide) (Item 8.1)

(Collins/Partridge)

That Report PED10049(I), Rental Housing Supplementary Findings of December 11, 2012 Special Planning Committee Meeting, be received.

CARRIED

6. Settlement of claims made under the Expropriations Act arising from the expropriation of part of 1496 Upper Gage Avenue being Parts 3 and 4 on Expropriation Plan LT494229 – OMB File No. LC110037- LS13017 (City Wide) (Item 12.1)

(Whitehead/Partridge)

That Settlement of claims (a) through (c) made under the Expropriations Act arising from the expropriation of part of 1496 Upper Gage Avenue being Parts 3 and 4 on Expropriation Plan LT494229 – OMB File No. LC110037, be approved and remain confidential until Council approval.

CARRIED

7. Settlement of the Appeal before the OMB, being OMB File No. PL070019 relating to the Consent/Land Severance of 1496 Upper Gage Avenue by Applications B169/06;B170/06;B171/06; and B172/06 Consent/Land Severance- OMB Case No.PL070019 - LS13017 (City Wide) (Item 12.1)

(Whitehead/Partridge)

That Settlement of claims (a) through (c) the Appeal before the OMB, being OMB File No. PL070019 relating to the Consent/Land Severance of 1496 Upper Gage Avenue by Applications B169/06;B170/06;B171/06;and B172/06 Consent/Land Severance- OMB Case No.PL070019, be approved and remain confidential until 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

- 4.3 Dean Carr respecting access to his private garage from Bull's Lane
- 4.4 Delegation Request from Farzad Karambakhsh respecting 3250 Homestead Drive (PED12128) Outstanding Business List Item

2. PUBLIC HEARING ITEMS

- 6.4 "Ancaster Meadows - Phase 2", Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12)

Correspondence from

- (i) David and Elizabeth Zeidman
- (ii) William Liske – Losani Homes (1998) Ltd.
- (iii) William Liske – Losani Homes (1998) Ltd. (further correspondence)

3. DISCUSSION ITEMS

- 8.1 Rental Housing Supplementary Findings of December 11, 2012 Special Planning Committee Meeting (PED10049(I)) (City Wide)
 - (iii) David Hitchcock
 - (iv) Unnamed Citizen Letter

4. PRIVATE AND CONFIDENTIAL

- 12.2 Closed Session Minutes – June 4, 2013 (delivered under separate cover)

(Collins/Partridge)

That the Agenda for the June 18, 2013 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared a conflict of interest for Item 8.1, Rental Housing Supplementary Findings of December 11, 2012 Special Planning Committee Meeting (PED10049(I)) (City Wide), as she is involved in the rental housing industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) June 4, 2013

(Partridge/Pasuta)

That the Minutes of the June 4, 2013 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Jagtar Singh Chahal respecting challenges in the taxi industry (Item 4.1)

(Collins/Partridge)

That the delegation request from Jagtar Singh Chahal respecting challenges in the taxi industry, be approved for a future meeting.

CARRIED

(ii) Delegation Request from Steve Walsh and the Canadian Racing Pigeon Union Inc. respecting Item 8.2, Keeping of Pigeons in Urban Areas (PED13107) (Item 4.2)

(Collins/Partridge)

That the delegation request from Steve Walsh respecting Item 8.2, Keeping of Pigeons in Urban Areas (PED13107), be approved for today's meeting.

CARRIED

(iii) Dean Carr respecting access to his private garage from Bull's Lane (Item 4.3)

(Collins/Pearson)

That the delegation request from Dean Carr respecting access to his private garage from Bull's Lane, be approved for a future meeting.

CARRIED

(iv) Delegation Request from Farzad Karambakhsh respecting 3250 Homestead Drive (PED12128) Outstanding Business List Item

(Collins/Pearson)

That the delegation request from Farzad Karambakhsh respecting 3250 Homestead Drive (PED12128) Outstanding Business List Item, be approved for a future meeting.

CARRIED

(e) CONSENT ITEMS (Item 5)

(i) Establishment of a Specialized By-law Enforcement Unit (PED13108) (City Wide) (Item 5.1)

(Clark/Pearson)

That staff meet with the police to discuss Municipal Law Enforcement safety after 1:00 am and report back to Planning Committee.

CARRIED

For disposition on this Item, refer to item 1.

(ii) Parked Facing the Wrong Way (PED13109) (City Wide) (Item 5.2)

(Ferguson/Clark)

That the Hamilton Police Service Board be requested to adopt the Hamilton Municipal Parking System Policy No. PC008 – Facing the Wrong Way (Appendix “A” to Report PED13109) to provide for consistent enforcement of vehicles parked facing the wrong way in Hamilton.

The recommendations were DEFEATED on the following vote:

Yeas: L. Ferguson, R. Pasuta, J. Farr

Total: 3

Nays: J. Partridge, M. Pearson, B. Clark

Total: 3

Absent: B. Johnson, C. Collins, T. Whitehead

Total: 3

For disposition on this Item, refer to item 2.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation Request from Mike Whaling respecting follow up on illegal businesses (Item 6.1)

(Pearson/Ferguson)

That the request from Mike Whaling to withdraw his delegation, be received.

CARRIED

(ii) Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 99 Wellington Street (Flamborough) (PED13092) (Ward 15) (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.

(Pearson/Clark)

That the public meeting respecting Report PED13092, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 99 Wellington Street (Flamborough), be closed.

CARRIED

(Pearson/Partridge)

That the staff presentation respecting Report PED13092, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 99 Wellington Street (Flamborough), be waived.

CARRIED

For disposition on this Item, refer to item 3.

(iii) Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096) (Ward 9) (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

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/Partridge)

That the public meeting respecting Report PED13096, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek), be closed.

CARRIED

(Pearson/Whitehead)

That the staff presentation respecting Report PED13096, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek), be waived.

CARRIED

(Clark/Pearson)

That Report PED13096, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek), be referred back to staff for further consultation with the Niagara Escarpment Commission and the proponent to come back to the Planning Committee at the appropriate time.

CARRIED

(iv) “Ancaster Meadows - Phase 2”, Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster) (PED13105) (Ward 12) (Item 6.4)

- (i) David and Elizabeth Zeidman
- (ii) William Liske – Losani Homes (1998) Ltd.
- (iii) William Liske – Losani Homes (1998) Ltd. (further correspondence)

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 and the Draft Plan of Subdivision, 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.

Cam Thomas, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

(Ferguson/Partridge)

That the staff presentation respecting Report PED13105, "Ancaster Meadows - Phase 2", Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster), be received.

CARRIED

Fred Losani – 430 McNeilly Rd Stoney Creek, ON L8E 5E3

Mr. Losani expressed concerns as the neighbouring developer. He requested a meeting with the applicant and that the report be referred back to staff to allow for discussions between staff and the two parties. He does not wish to delay the application and is prepared to meet with staff immediately with their submission to allow concurrent development in the area.

(Pearson/Ferguson)

That the public presentation respecting Report PED13105, "Ancaster Meadows - Phase 2", Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster), be received.

CARRIED

Scott Snider, Turkstra Mazza - 15 Bold St, Hamilton, ON L8P 1T3

Mr. Snider, legal counsel on behalf of Paletta International Corporation, expressed that there are time commitments that must be met and that the delay that will come of this referral to deal with the issues expressed by Mr. Losani will hamper their commitments to their builders.

(Pearson/Whitehead)

That the agent's presentation respecting Report PED13105, "Ancaster Meadows - Phase 2", Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster), be received.

CARRIED

(Ferguson/Pearson)

That the correspondence respecting Report PED13105, "Ancaster Meadows - Phase 2", Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster), be received.

CARRIED

(Ferguson/Pearson)

That the public meeting respecting Report PED13105, "Ancaster Meadows - Phase 2", Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster), be closed.

CARRIED

(Ferguson/Clark)

That Report PED13105, "Ancaster Meadows - Phase 2", Proposed Zoning By-law Amendment ZAC-12-026, and Revised Draft Plan of Subdivision 25T-200601, for Lands at 1061 Garner Road East (Ancaster), be referred back to the Director of Development Engineering for consultation with Losani Homes and Paletta Intentional Corporation to see if there is a method to construct a permanent retention pond instead of a temporary pond, and report back to the July 9, 2013 meeting of the Planning Committee.

CARRIED

(g) PRESENTATIONS (Item 7)

(i) Parkside Drive Improvements (Highway 6 to 500 m East of Churchill Avenue) Municipal Class Environmental Assessment (PED13097) (Ward 15) (Item 7.1)

Diana Morreale, Senior Project Manager, Growth Management Division, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

For disposition on this Item, refer to item 4.

The Committee recessed at 12:13 p.m.

The Committee reconvened at 1:05 p.m.

(h) DISCUSSION ITEMS (Item 8)

(i) **Rental Housing Supplementary Findings of December 11, 2012 Special Planning Committee Meeting (PED10049(I)) (City Wide) (Item 8.1)**

- (i) Correspondence from Sheryl and Tom Perrie
- (ii) RAHB-HDAA submission to the Planning Committee
- (iii) David Hitchcock
- (iv) Unnamed Citizen Letter

Joe Xamin, Manager, Operational Strategies, provided an introduction to the information report.

The following individuals presented a PowerPoint presentation on behalf of the Realtors Association of Hamilton-Burlington (RAHB) and Hamilton and District Apartment Association (HDAA):

- Bruce Moran, President, RAHB
- Arun Pathak, President, HDAA
- Donna Bacher, Chair of the Joint Task Force
- Paul Martindale, Member of the Task Force
- Andrew Robertson, Member of the Task Force

A copy of the presentation has been included in the public record.

(Collins/Partridge)

That the presentation from RAHB-HDAA respecting Report PED10049(I), Rental Housing Supplementary Findings of December 11, 2012 Special Planning Committee Meeting, be received.

CARRIED

For disposition on this Item, refer to item 5.

(Collins/Pasuta)

That staff report back to the Planning Committee with options and alternatives related to the licensing of rental housing no later than September 2013.

The motion CARRIED on the following vote:

Yeas:	R. Pasuta, J. Farr, T. Whitehead, J. Partridge, C. Collins
Total:	5
Nays:	L. Ferguson
Total:	1
Abstained:	M. Pearson
Total:	1

Absent: B. Johnson, B. Clark
Total: 2

(ii) Keeping of Pigeons in Urban Areas (City Wide) (PED13107) (Item 8.2)

Marty Hazel, Senior Director, Parking and By-law Services, and Bill Young, Director, Municipal Law Enforcement, provided an introduction to the report.

Steve Walsh, board member of the Canadian Racing Pigeon Union Inc. (CRPU), is representing 34 owners that live in urban Hamilton who will be impacted by this by-law. He expressed the difference between feral and racing pigeons and reinforced the high level of care and organization of the CRPU.

Devon Ryerse, legal counsel, reiterated the care standards and regimes with racing pigeons. She addressed the complaint issues against racing pigeons which appear to be during the winter months when racing pigeons are not allowed outside of their lofts. She also addressed the cleanliness of the lofts. She also expressed other options to strengthen the by-law which would allow clubs to self-police and implementing registration to avoid the grandfathering clause which may limit new and existing members.

(Partridge/Pasuta)

That the delegation respecting Report PED13107, Keeping of Pigeons in Urban Areas (City Wide), be received.

CARRIED

(Partridge/Pasuta)

That Report PED13107, Keeping of Pigeons in Urban Areas (City Wide), be referred back to staff to consult with the Canadian Racing Pigeon Union Inc. to amend the existing by-law No. 12-031 to accommodate racing pigeons and include amendments to address the current feral pigeon issues in the urban areas of the City of Hamilton.

CARRIED

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

(i) Outstanding Business List Amendments (Item 11.1)

(Pearson/Partridge)

That the following Outstanding Business List due dates be revised:

- (aa) Item B: Woodland Manor (PED08306)
Current Due Date: June 18, 2013
Proposed New Due Date: December 3, 2013

- (bb) Item T: Development of an Urban Woodland Conservation By-law
Current Due Date: June 18, 2013
Proposed New Due Date: September 17, 2013

CARRIED

(Pearson/Partridge)

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

- (aa) Item E: Racing Pigeons

- (bb) Item P: Regulation of Rental Housing

- (cc) Item S: Parking on One-Way Streets

- (dd) Item GG: Settlement of claims made under the Expropriations Act arising from the expropriation of part of 1496 Upper Gage Avenue OMB Case No.PL070019 (LS13017)

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

- (i) **1. Settlement of claims made under the Expropriations Act arising from the expropriation of part of 1496 Upper Gage Avenue being Parts 3 and 4 on Expropriation Plan LT494229 – OMB File No. LC110037**
2. Settlement of the Appeal before the OMB, being OMB File No. PL070019 relating to the Consent/Land Severance of 1496 Upper Gage Avenue by Applications B169/06;B170/06;B171/06;and B172/06 Consent/Land Severance- OMB Case No.PL070019 - LS13017(City Wide)) (Item 12.1)

For disposition on this Item, refer to item 5.

(ii) Closed Session Minutes – June 4, 2013 (Item 12.2)

(Whitehead/Pasuta)

That the Closed Session Minutes of June 4, 2013 be approved as presented and remain confidential.

CARRIED

(k) ADJOURNMENT

(Pearson/Whitehead)

That, there being no further business, the Planning Committee adjourn at 3:53 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk