



PLANNING COMMITTEE

MINUTES 13-017

9:30 am

Tuesday, November 5, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor R. Pasuta – illness
Councillor L. Ferguson – vacation

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Historical Board Minutes - October 15, 2013

(Pearson/Whitehead)

That the Hamilton Historical Board October 15, 2013 minutes be received.

CARRIED

2. Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 176 Parkside Drive (Flamborough) (PED13175) (Ward 15) (Item 6.1)

(Partridge/Johnson)

That Zoning Application ZAR-12-060 by Michael Wortel, Owner, for a change of Zoning from the “R1-6” (Urban Residential (Single Detached)) Zone to an new site-specific “R1-XX” (Urban Residential (Single Detached)) Zone, to permit 3 single detached residential dwellings, on lands located at the south-west corner of Parkside Drive and Braeheid Avenue, known municipally as 176 Parkside Drive (Flamborough), as shown on Appendix “A” to Report PED13175, be DENIED on the following basis:

- (a) That the proposed development does not conform to the policies of the former Town of Flamborough Official Plan, and the New Urban Hamilton Official Plan;
- (b) That the proposed lot sizes are not compatible with the character of the area;
- (c) It represents an over-intensification of development on the subject lands;
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Urban Hamilton Official Plan and Zoning By-law.

CARRIED

3. Application for an Amendment to the Town of Flamborough Zoning By-law No. 98-145-Z for Lands Located at 215 Dundas Street East (Flamborough) (PED13177) (Ward 15) (Item 6.2)

(Partridge/Johnson)

That approval be given to Amended Zoning By-law Amendment Application ZAC-12-064, by Branthaven Homes, Owner, for a change in zoning from the Urban Commercial "UC" Zone to the Medium Density Residential "R6-33-H" Zone, Modified, with a Holding Provision, to permit a 58-unit residential development consisting of townhouse and maisonette dwelling units, on lands located at 215 Dundas Street East (Flamborough), as shown on Appendix "A" to Report PED13177, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Section 6 of Zoning By-law No. 90-145-Z as "R6-33";
- (c) That the proposed modification in zoning conforms to the Urban Hamilton Official Plan.

CARRIED

4. **Community Improvement Plan and Project Area Amendments for Mount Hope (PED11188(c)) (Ward 11) (Item 6.3)**

(Johnson/Collins)

- (a) That the Downtown and Community Renewal Community Improvement Project Area By-law be amended to add the Mount Hope Airport Gateway Community Improvement Project Area as set out in the implementing by-law attached as Appendix "A" to Report PED11188(c);
- (b) That the Downtown and Community Renewal Community Improvement Plan be amended as set out in the implementing by-law attached as Appendix "B" to Report PED11188(c);
- (c) That Appendix "B" to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Tax Increment Grant Program, be deleted and replaced respectively with the Program Description and Terms attached as Appendix "C" to Report PED11188(c);
- (d) That Appendix "D" to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Commercial Corridor Housing Loan and Grant Program, be deleted and replaced respectively with the Program Description and Terms attached as Appendix "D" to Report PED11188(c);
- (e) That Appendix "E" to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Heritage Property Grant Program, be deleted and replaced respectively with the Program Description and Terms attached as Appendix "E" to Report PED11188(c);
- (f) That Appendix "F" to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Downtown Office Tenancy Assistance Program, be deleted and replaced respectively with the Program Description and Terms attached as Appendix "F" to Report PED11188(c);
- (g) That Appendix "H" to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Commercial Façade Property Improvement Grant Program, be deleted and replaced respectively with the Program Description and Terms attached as Appendix "G" to Report PED11188(c).

CARRIED

5. **Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 41, 45, 47, 49, 55, 59 Head Street, 22, 24 Dundurn Street North, and 620, 622, 624 King Street West (Hamilton) (PED13178) (Ward 1) (Item 8.1)**

(Pearson/Whitehead)

That Report PED13178, Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 41, 45, 47, 49, 55, 59 Head Street, 22, 24 Dundurn Street North, and 620, 622, 624 King Street West, be received.

CARRIED

6. **Building Permit Approval and Inspection Service Delivery and Staffing Review (PED13174) (City Wide) (Item 8.2)**

(Johnson/Collins)

- (a) That the hiring of five (5) Full-Time Equivalents (FTEs) for the Building Services Division at the cost of approximately \$485,000, to address the continued high level of building permit activity, be approved, and funded entirely from the Building Stabilization Reserve with no levy impact;
- (b) That the Director of Building Services be permitted to hire and lay off staff, as needed and appropriate, based on levels of Building Permit activity provided that:
- (i) Staff hired under this approval shall be funded from the Building Enterprise Model with no impact on the general tax levy;
- (ii) That updates on the Building Stabilization Reserve and staff complement changes shall be reported to Committee/Council on an annual basis as part of the Operating Budget cycle.

CARRIED

7. **Tow Truck Licensing Sub-Committee – Report 13-002 (Item 8.3)**

(Whitehead/Pearson)

That Schedule 28 of By-law 07-170, Being a By-law to License and Regulate Various Businesses, be amended by adding a new sub-section identifying the following:

“That the following documents would be accepted by the City as provided by tow operators to the Hamilton Police Service:

- a valid Ontario Ministry of Transportation Safety Certificate;
- a valid Ontario Ministry of Transportation Annual Vehicle Inspection Certificate or a Safety Standards Certificate under the Highway Traffic Act; and
- a Criminal Reference Check.

Where an operator is not under a Hamilton Police Services Tow Contract however, the above exemptions shall not apply and all required documentation must be submitted to the City (no older than 36 days).”

CARRIED

8. Hamilton Municipal Heritage Committee – Report 13-006 (item 8.4)

(Whitehead/Pearson)

- (a) Appointment of Hamilton Municipal Heritage Committee member to the Hamilton Historical Board.

That Will Rosart be appointed as the Hamilton Municipal Heritage Committee member on the Hamilton Historical Board.

- (b) Appointment of Hamilton Municipal Heritage Committee member Joint Plaquing Sub-Committee.

That Will Rosart be appointed as the Hamilton Municipal Heritage Committee member on the Joint Plaquing Sub-Committee.

- (c) Hamilton Municipal Heritage Committee Awards Criteria (Item 7.2)

That the Hamilton Municipal Heritage Committee Awards Criteria, attached as Appendix “A” to Hamilton Municipal Heritage Committee Report 13-006, be approved.

CARRIED

9. 297 Dundas St. East, Waterdown (Item 10.1)

(Johnson/Pearson)

That as a result of a request from the Waterdown Mill St. Heritage Committee and after consultation with the Hamilton Municipal Heritage Committee, that the property at 297 Dundas St. East, Waterdown, is deemed to have cultural heritage value or interest, and added to the Municipal Register as a non-designated property.

CARRIED

10. Urban Hamilton Official Plan (UHOP) Proposed Settlement of Part of Appeal by Paletta International Corporation and by Twenty Road East Landowners and Legal Direction (LS13033) (delivered under separate cover) (Item 12.1)

(Pearson/Collins)

- (a) That Report LS13033 remain confidential, but that Appendices “A” and “B”, or those portions of the Appendices as approved, be made public in the event that recommendations contained in Appendices “A” and “B” are agreed to as the position of the City in respect of those matters set out in those Appendices;
- (b) That the amendments and modifications described in the recommendations contained in Appendices “A” and “B” to Report LS13033 be approved as the basis of a proposed settlement of those portions of Paletta International Corporation’s appeal and of Twenty Road East Landowner’s appeal of the Urban Hamilton Official Plan as identified in these Appendices;
- (c) That the amendments and modifications described in the recommendations contained in Appendices “A” and “B” to Report LS13033 be approved as the City’s position at any OMB hearing on those portions of Paletta International Corporation’s appeal and of Twenty Road East Landowner’s appeal of the Urban Hamilton Official Plan as identified in these Appendices.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

PUBLIC HEARINGS AND DELEGATIONS

- 6.3 Community Improvement Plan and Project Area Amendments for Mount Hope (PED11188(c)) (Ward 11)
 - (i) Correspondence from John Holtrop
 - (ii) Correspondence from Scott Snider (on behalf of Hotz and Sons Ltd.)

DISCUSSION ITEMS

8.4 Hamilton Municipal Heritage Committee – Report 13-006

NOTICE OF MOTION

10.1 297 Dundas Street East, Waterdown

(Collins/Partridge)

That the Agenda for the November 5, 2013 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) October 15, 2013

Item 2 on Page 1 of 16 of Planning Committee Minutes 13-016 should reference in the title Ward 2.

(Pearson/Johnson)

That the Minutes of the October 15, 2013 Planning Committee meeting be approved, as amended.

CARRIED

(d) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 176 Parkside Drive (Flamborough) (PED13175) (Ward 15) (Item 6.1)

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.

Daniel Barnett, Planning Technician, 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/Partridge)

That the staff presentation respecting Report PED13175, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 176 Parkside Drive, be received.

CARRIED

Michael Wortel, applicant, 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.

(Partridge/Johnson)

That the staff presentation respecting Report PED13175, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 176 Parkside Drive, be received.

CARRIED

Public Speakers:

1. Dawn MacNeil – 105 Braeheid Ave., Hamilton, ON L0R 2H5

Ms. MacNeil expressed concerns respecting waste water management.

2. Kathleen Mills – 45 Brian Blvd., Hamilton, ON L0R 2H5

Ms. Mills expressed concerns respecting waste water management.

3. Ken West – 2264 New St., Burlington, ON L7R 1J4

Ms. Mills, on behalf of his daughter, expressed concerns respecting waste water management.

(Partridge/Johnson)

That the public presentations respecting Report PED13175, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 176 Parkside Drive, be received.

CARRIED

(Whitehead/Pearson)

That the public meeting respecting Report PED13175, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 176 Parkside Drive, be closed.

CARRIED

For disposition on this Item, refer to item 2.

(ii) Application for an Amendment to the Town of Flamborough Zoning By-law No. 98-145-Z for Lands Located at 215 Dundas Street East (Flamborough) (PED13177) (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 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.

Tim 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/Partridge)

That the staff presentation respecting Report PED13177, Application for an Amendment to the Town of Flamborough Zoning By-law No. 98-145-Z for Lands Located at 215 Dundas Street East, be received.

CARRIED

James Webb, agent on behalf of the applicant, expressed full agreement and full support of the recommendations. He also expressed that the drainage is an existing problem and the applicant wishes to be part of the solution.

(Partridge/Johnson)

That the agent's presentation respecting Report PED13177, Application for an Amendment to the Town of Flamborough Zoning By-law No. 98-145-Z for Lands Located at 215 Dundas Street East, be received.

CARRIED

Public Speakers:

1. John Myers – 8 Culotta Dr., Hamilton, ON L0R 2H6

Mr. Myers, on behalf of the residents outlined in the letter which is included in the staff report, expressed concerns respecting the swale and flow of water drainage from other properties and developments.

(Partridge/Collins)

That the public presentation respecting Report PED13177, Application for an Amendment to the Town of Flamborough Zoning By-law No. 98-145-Z for Lands Located at 215 Dundas Street East, be received.

CARRIED

(Pearson/Johnson)

That the public meeting respecting Report PED13177, Application for an Amendment to the Town of Flamborough Zoning By-law No. 98-145-Z for Lands Located at 215 Dundas Street East, be closed.

CARRIED

For disposition on this Item, refer to item 3.

(iii) Community Improvement Plan and Project Area Amendments for Mount Hope (PED11188(c)) (Ward 11) (Item 6.3)

- (i) Correspondence from John Holtrop
- (ii) Correspondence from Scott Snider (on behalf of Hotz and Sons Ltd.)

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 community improvement plan and project area 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.

Alan Waterfield, Senior Planner, provided a brief 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 PED11188(c), Community Improvement Plan and Project Area Amendments for Mount Hope, be received.

CARRIED

Public Speakers:

1. Wayne Juniper – 9566 Airport Rd., Box 144, Hamilton, ON L0R 1W0

Mr. Juniper expressed support for the Community Improvement Plan and Project Area Amendments of Mount Hope.

(Johnson/Pearson)

That the public presentations respecting PED11188(c), Community Improvement Plan and Project Area Amendments for Mount Hope, be received.

CARRIED

(Johnson/Whitehead)

That the correspondence respecting PED11188(c), Community Improvement Plan and Project Area Amendments for Mount Hope, be received.

CARRIED

(Johnson/Collins)

That the public meeting respecting PED11188(c), Community Improvement Plan and Project Area Amendments for Mount Hope, be closed.

CARRIED

For disposition on this Item, refer to item 4.

(e) NOTICES OF MOTION (Item 10)

Councillor Johnson introduced the following Notice of Motion:

(i) 297 Dundas St. East, Waterdown (Item 10.1)

That as a result of a request from the Waterdown Mill St. Heritage Committee and after consultation with the Hamilton Municipal Heritage Committee, that the property at 297 Dundas St. East, Waterdown, is

deemed to have cultural heritage value or interest, be added to the Municipal Register as a non-designated property.

(Johnson/Whitehead)

That the rules be waived in order to allow the introduction of a motion respecting 297 Dundas St. East, Waterdown.

CARRIED

For disposition on this Item, refer to item 9.

(f) 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:

(Collins/Clark)

(aa) Item E: Racing Pigeons

Current Date: November 5, 2013

New Date: December 3, 2013

(bb) Item Q: Development of an Urban Woodland Conservation By-law

Current Date: November 5, 2013

New Date: December 3, 2013

(cc) Item W: Fifty Road

Current Date: November 5, 2013

New Date: January 2014

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

Current Date: November 5, 2013

New Date: December 3, 2013

CARRIED

(g) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Urban Hamilton Official Plan (UHOP) Proposed Settlement of Part of Appeal by Paletta International Corporation and by Twenty Road East Landowners and Legal Direction (LS13033) (delivered under separate cover) (Item 12.1)

For disposition on this Item, refer to item 10.

(h) ADJOURNMENT

(Pearson/Johnson)

That, there being no further business, the Planning Committee adjourn at 11:59 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk