



PLANNING COMMITTEE

REPORT 13-004

9:30 am

Tuesday, March 19, 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, R. Pasuta, M. Pearson and T. Whitehead

Absent with Regrets: Councillor L. Ferguson – Vacation

Also Present: Councillor B. McHattie
Councillor T. Jackson

THE PLANNING COMMITTEE PRESENTS REPORT 13-004 AND RESPECTFULLY RECOMMENDS:

- 1. Adoption of Pay Assurance Provisions for the City's Standard Form Subdivision and External Works Agreements on a Permanent Basis (PED10095(a)) (City Wide) (Item 5.1)**

That the pay assurance process and provisions for the City's Standard Form Subdivision and External Works Agreements, approved by Council in adopting Item 5 of the Economic Development and Planning Committee Report 10-010 for a two year trial period commencing September 6, 2010, be approved for permanent use by the City.

2. Water and Wastewater Infrastructure Support Community Improvement Plan (PED13041/PW11056(d)) (Wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15) (Item 6.2)

- (a) That the By-law to designate the Community Improvement Project Area for the Water and Wastewater Infrastructure Support Community Improvement Plan, substantially in the form attached as Appendix “A” to Report PED13041/PW11056(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (b) That the By-law to adopt the Water and Wastewater Infrastructure Support Community Improvement Plan, substantially in the form attached as Appendix “B” to Report PED13041/PW11056(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (c) That the Community Improvement Plan titled, “Water and Wastewater Infrastructure Support Community Improvement Plan”, attached as Schedule “A” to Appendix “B” to Report PED13041/PW11056(d), and which includes the revised Program Guidelines for the Residential Protective Plumbing Program (3P), attached as Appendix “1” to the “Water and Wastewater Infrastructure Support Community Improvement Plan”, be adopted.

3. Amendment to By-law 07-170 - Schedule 28 - Tow Trucks (PED09019(e)) (City Wide) (Item 6.3)

- (a) That the minor housekeeping amendments respecting matters related to practical implementation of Schedule 28 Tow Trucks of the City’s Licensing By-Law, as outlined in Report PED09019(e) be approved;
- (b) That the draft by-law attached as Appendix “A” to Report PED09019(e), which has been prepared in a form satisfactory to the City Solicitor, be enacted.

4. Establishment of the Tow Truck Licensing Sub Committee

- (a) That a Sub Committee of 3 Councillors (Councillors Clark, Pearson and Jackson) be established to meet with City staff, towing industry stakeholders and Hamilton Police Service representatives to review the licensing of tow trucks;
- (b) That the Sub Committee report back to the Planning Committee by the 3rd Quarter of 2013.

5. Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton) (PED13039) (Ward 4) (Item 6.5)

That approval be given to Zoning Application ZAR-12-039, by 2056122 Ontario Ltd., Owner, for a change in zoning to Hamilton Zoning By-law No. 6593 from the “C” (Urban Protected Residential, Etc.) District to the “C/S-1622” (Urban Protected Residential, Etc.) District, with a Special Exception, in order to permit a parking lot, for the lands located at 14 Kenilworth Avenue South (Hamilton), as shown on Appendix “A” to Report PED13039, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13039, 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, the City of Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan.

6. Hamilton Municipal Heritage Committee Report 13-002 (Item 8.2)

(1) Hamilton Heritage Conservation Districts – Study and Summary’s

That a letter of gratitude be sent to the Architectural Conservancy of Ontario (ACO) for their research and work respecting Hamilton’s Heritage Conservation District Study.

7. Urban Hamilton Official Plan Proposed Settlements and Legal Direction (LS13007) (Item 12.2)

- (a) That the following proposed amendments to the Urban Hamilton Official Plan, currently before the Ontario Municipal Board, as set out in Appendices A and B attached to Report LS13007, be supported:
 - (i) Settling the appeal to the Urban Hamilton Official Plan filed by Mondelez Canada Inc. (formerly Kraft Canada Inc.);
 - (ii) Opposing the appeals by Auburn Development Inc. arising from their applications for an Official Plan Amendment (OPA – 07- 016) and Zoning By-law Amendment (ZAC – 07 – 962) for lands municipally known as 17 Ewen Road, Hamilton.

- (b) That Legal staff be authorized to finalize the details of the proposed amendments together with such drafting, editorial or technical modifications as may be necessary and consented to by the Director of Planning or his delegate provided these are consistent with the intent of the proposed amendments, as described in Appendices A and B attached to Report LS13007;
- (c) That Report LS13007, respecting the Urban Hamilton Official Plan Proposed Settlements and Legal Direction, remain confidential, but that Appendices A and B be made public in the event that Council supports recommendation (a).

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. PUBLIC HEARING AND DELEGATIONS

- 6.3 Amendment to By-law 07-170 - Schedule 28 - Tow Trucks (PED09019(e)) (City Wide)

Appendix "A" to Report PED09091(e), is to be deleted and replaced with the revised by-law.

- 6.4 By-law to Regulate Parking on Boulevards and Front and Side Yard (PED13042) (City Wide)

Appendix "A" to Report PED13042 is to be deleted and replaced with the revised by-law.

Correspondence:

- (i) Correspondence from Barbara Baker

- 6.5 Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton) (PED13039) (Ward 4)

Correspondence:

- (i) Correspondence from Midevco Group (agent)

6.6 Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15) (PED13043)

Correspondence:

- (i) Correspondence from Mark and Nadia Mongelluzzo
- (ii) Correspondence from Jeanette and Nino Giordano

The Agenda for the March 19, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared a conflict of interest respecting Item 6.2, Water and Wastewater Infrastructure Support Community Improvement Plan (PED13041/PW11056(d)) (Wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15) as she is involved in the rental housing industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) February 19, 2013

The Minutes of the February 19, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation request from Barbara Beaver, respecting licensing fee increases for Body Rub Parlours (Item 4.1)

The delegation request from Barbara Beaver, respecting licensing fee increases for Body Rub Parlours, was approved for a future meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Sid Catalano and Steve McGregor respecting the sign by-law and a digital sign proposal (Item 6.1)

Sid Catalano and Steve McGregor addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been added to the public record.

The delegation request from Sid Catalano and Steve McGregor respecting the sign by-law and a digital sign proposal, was received.

(ii) Water and Wastewater Infrastructure Support Community Improvement Plan (PED13041/PW11056(d)) (Wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 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 community improvement plan, 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 speakers came forward.

The public meeting respecting PED13041/PW11056(d), Water and Wastewater Infrastructure Support Community Improvement Plan, was closed.

The staff presentation respecting PED13041/PW11056(d), Water and Wastewater Infrastructure Support Community Improvement Plan, was waived.

For disposition on this Item, refer to item 2.

(iii) Amendment to By-law 07-170 - Schedule 28 - Tow Trucks (PED09019(e)) (City Wide) (Item 6.3)

Al Fletcher, Manager, Licensing and Permits, provided a brief overview of the report and the amendments made to By-law 07-170 – Schedule 28 – Tow Trucks and changes to Appendix A.

The staff presentation respecting PED09019(e), Amendment to By-law 07-170 - Schedule 28 - Tow Trucks, was received.

Registered Speakers:

1. Brad Park – Park Towing

Mr. Park expressed that he is opposed to By-law 07-170 – Schedule 28.

2. Ray Weninger – Ray’s Towing and Recovery

Mr. Weninger expressed that he is opposed to By-law 07-170 – Schedule 28.

3. Fred Dath – Lockwood Motors

Mr. Dath expressed that he is opposed to By-law 07-170 – Schedule 28.

4. Greg Ryan – Bennet’s Towing

Mr. Ryan expressed that he is opposed to By-law 07-170 – Schedule 28.

5. Paul Slote – Express Towing

Mr. Slote expressed that he is opposed to By-law 07-170 – Schedule 28.

The public presentations respecting report PED09019(e), Amendment to By-law 07-170 - Schedule 28 - Tow Trucks, was received.

The public meeting respecting report PED09019(e), Amendment to By-law 07-170 - Schedule 28 - Tow Trucks, was closed.

Appendix A to report PED09019(e), Amendment to By-law 07-170 - Schedule 28 - Tow Trucks, was deleted and replaced with the revised by-law.

For disposition on this Item, refer to item 3.

(iv) By-law to Regulate Parking on Boulevards and Front and Side Yard (PED13042) (City Wide) (Item 6.4)

Correspondence:

- (i) Correspondence from Barbara Baker

Marty Hazell, Senior Director, Parking and By-law Services, provided a brief overview of the report of parking on boulevards and front/side yards and changes to Appendix A.

The staff presentation respecting report PED13042, By-law to Regulate Parking on Boulevards and Front and Side Yard, was received.

Registered Speakers:

1. Victor Veri – 971 Hwy 6 N, Hamilton, ON L8N 2Z7

Mr. Veri expressed his concerns with the by-law and the advertisement.

The public presentation and correspondence respecting report PED13042, By-law to Regulate Parking on Boulevards and Front and Side Yard, was received.

The public meeting respecting report PED13042, By-law to Regulate Parking on Boulevards and Front and Side Yard, was closed.

That Report PED13042, By-law to Regulate Parking on Boulevards and Front and Side Yard, was referred back to staff and Ward Councillors for further consideration and consultation.

(v) Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton) (PED13039) (Ward 4) (Item 6.5)

Correspondence:

- (i) Correspondence from Midevco Group (agent)

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 speakers came forward.

The public meeting respecting PED13039, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton), was closed.

The correspondence respecting PED13039, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton), was received.

The staff presentation respecting PED13039, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton), was waived.

For disposition on this Item, refer to item 5.

The rules were waived so that Don Baglolo may be permitted to speak.

1. Don Baglolo – 15 Tuxedo Avenue S, Hamilton, ON L8K 2R7

Mr. Baglolo came forward, after approval of Report PED13039, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton), and expressed concerns respecting a 24-hour gas station and that they do not have a dumpster on their property and believes this property will result in business taking over his neighbourhood.

The public presentation respecting PED13039, Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton), was received.

- (vi) **Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15) (PED13043) (Item 6.6)**

Correspondence:

- (i) Correspondence from Mark and Nadia Mongelluzzo

(ii) Correspondence from Jeanette and Nino Giordano

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.

Cam Thomas, 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.

The staff presentation respecting PED13043, Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15), was received.

Speakers:

1. Karl Gonnsen – 2290 Queensway Drive, Burlington, ON L7R 3T3

Mr. Gonnsen, President, Metropolitan Consulting Inc., addressed the Committee on behalf of his client, Parkside Hills Inc., that the plan be compatible with Parkside Hills Inc. developments, concerns to grading and water flow management, and concerns with cost sharing.

The public presentation and correspondence respecting PED13043, Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15), was received.

James Webb, planner on behalf of Branthaven Rosart Development Corporation, and Arden Semper, President of Branthaven Development Corporation, 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.

Matthew Brouwer, Transportation Engineer on behalf of the owner, provided an overview of the expected traffic patterns.

The presentation respecting PED13043, Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15), was received.

The public meeting respecting PED13043, Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15), was closed.

Report PED13043, Proposed Official Plan Amendment and Zoning By-law Amendment for Property at 257, 261, 263, and 267 Parkside Drive (Flamborough) (Ward 15), was referred back to staff, the Ward Councillor and Branthaven Developments for further consideration/consultation as well as a community meeting, and that the report come back to the April 30, 2013 meeting of the Planning Committee.

(f) DISCUSSION ITEMS (Item 8)

(i) Municipal Law Enforcement (MLE) Contractor Services Administration Staff Resource Report (PED13056) (City Wide) (Item 8.1)

Report PED13056, Municipal Law Enforcement (MLE) Contractor Services Administration Staff Resource Report, was tabled to the April 2, 2013 meeting of the Planning Committee.

(g) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – February 19, 2013 (Delivered Under Separate Cover) (Item 12.1)

- (a) The closed session minutes from February 19, 2013, were approved;
- (b) The closed session minutes from February 19, 2013, are to remain confidential

At 1:34 p.m., Committee moved into Closed Session to consider item 12.2 which is subject to Section 239.2 (e) and (f) of the Municipal Act and Section 8.1(e) and (f) of the Procedural Bylaw as the subject matter of this item pertains to:

- litigation or potential litigation, including matters before administrative tribunals affecting the City, and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 2:08 p.m.

(ii) Urban Hamilton Official Plan Proposed Settlements and Legal Direction (LS13007) (Delivered Under Separate Cover) (Item 12.2)

For disposition on this Item, refer to item 7.

(h) ADJOURNMENT

There being no further business, the Planning Committee adjourn at 5:26 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk