PLANNING COMMITTEE
REPORT 14-001
9:30 am
Tuesday, January 14, 2014
Council Chambers
Hamilton City Hall
71 Main Street West

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

THE PLANNING COMMITTEE PRESENTS REPORT 14-001 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Historical Board Minutes (Item 5.1)
   (i) October 15, 2013
       That the Hamilton Historical Board Minutes from October 15, 2013, be received.
   (ii) November 19, 2013
       That the Hamilton Historical Board Minutes from November 19, 2013, be received.

2. Request to Include 1 Jones Street, (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest, Under the Ontario Heritage Act (PED14009) (Ward 9) (Item 5.2)
   (a) That Council direct staff to include 1 Jones Street (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate
amendments to the Register of Property of Cultural Heritage Value or Interest;

(b) That Report PED14009 be forwarded to the Hamilton Municipal Heritage Committee (HMHC) for information; and,

(c) That Report PED14009 be forwarded to the owner of 1 Jones Street, Stoney Creek, for information.

3. Prohibition of Boa Constrictors (PED14013) (City Wide) (Item 5.4)

That Report PED14013, Prohibition of Boa Constrictors, be received.

4. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 981 - 985 King Street West (Hamilton) (PED14007) (Ward 1) (Item 6.1)

(a) That approval be given to Zoning By-law Amendment Application ZAR-13-021, by Aegean Enterprises, Owner, for a change in zoning from the “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified, to the G/S-1361a” (Neighbourhood Shopping Centre, etc.) District, Modified, to permit a dance studio as an additional permitted use, on lands located at 981 - 985 King Street West (Hamilton), as shown on Appendix “A” to Report PED14007, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED14007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “G/S-1361a”;

(iii) That the proposed modification in zoning conforms to the Urban Hamilton Official Plan (UHOP) and the Ainslie Woods Westdale Secondary Plan.

5. Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 1660 Hall Road (Glanbrook) (PED14008) (Ward 11) (Item 6.2)

That approval be given to Zoning Application ZAA-13-031, by David Earl Barlow, Owner, for a change in zoning from the General Agriculture “A1” Zone to the General Agriculture “A1-280” Zone, with a Special Exception, in order to
prohibit the construction of any residential dwelling(s), for the lands located at 1660 Hall Road (Glanbrook), as shown on Appendix “A” to Report PED14008, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14008, 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 Schedule “D” of Zoning By-law No. 464.

6. Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210(a)) (Ward 11) (Item 6.4)

(a) That approval be given to Official Plan Amendment Application OPA-13-018, by Trinity Canadian Reformed Church, Applicant, for Amendment No. to the Rural Hamilton Official Plan (RHOP), to permit a site-specific exception to Policy No. F.1.14.2.3, in order to permit severance of an approximately 1.74 ha. parcel of land for a proposed place of worship, on the lands located at 3075 Tisdale Road (Glanbrook), as shown on Appendix “A” to Report PED13210(a), on the following basis:

(i) That the draft Official Plan Amendment (OPA), attached as Appendix “B” to Report PED13210(a), be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and Greenbelt Plan.

(b) That approval be given to Zoning Application ZAR-13-008, by Trinity Canadian Reformed Church, Applicant, by changing the zoning from the General Agricultural “A1” Zone to the General Agricultural - Holding “H-A1-281” Zone, with a Special Exception, as shown on Appendix “A” to Report PED13210(a), for the property located at 3075 Tisdale Road (Glanbrook), on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13210(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed By-law be added to Schedule “B” of Zoning By-law No. 464;

(iii) That the proposed By-law Amendment is consistent with the Provincial Policy Statement and Greenbelt Plan.
7. **Hamilton Municipal Heritage Report 13-007 (Item 8.1)**

That a letter be written to the Heritage Canada Foundation in support of holding their 2016 conference in Hamilton.

8. **Hamilton Municipal Heritage Report 13-008 (Item 8.2)**

That 30 Proctor Boulevard (Hamilton) be added to the Register of Property of Cultural Heritage Value or Interest.

9. **A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide) (PD02229(d)) (Item 10.1)**

   (a) That report PD02229(d), A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide), be referred to the General Issues Committee;

   (b) That report PD02229(d), A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide), be removed from the Planning Committee Outstanding Business List.


    (a) That Report LS14002 remain confidential, but that Appendix “A” be made public in the event that recommendations contained in Appendix “A” be approved as the position of the City in respect of those matters set out in the Appendix;

    (b) That Planning Committee/Council provide instructions on the position to be taken by the City before the Ontario Municipal Board in the appeal by Nebo Group (2006) Inc. for a non-decision in respect of their applications for a Regional Official Plan Amendment and a Zoning By-law Amendment for lands located at 899 Nebo Road;

    (c) That in the event Planning Committee/Council instruct that the City oppose the appeal by Nebo Group (2006) Inc. before the OMB, Legal Services staff be authorized to retain such consultants and outside experts as deemed necessary as witnesses at the hearing and the amount required to retain such experts to support the City’s position before the OMB be funded through the Tax Stabilization Reserve 110046.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

PUBLIC HEARINGS AND DELEGATIONS

6.4 Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210(a)) (Ward 11)

Correspondence from:

(i) Rodney and Anita Vermeulen
(ii) Rev. William den Hollander
(iii) Arie and Tamara den Hollander
(iv) Peter Ostermeier
(v) Claude and Teresa Boisvert
(vi) Thea Heyink
(vii) Keith and Coby Sikkema
(viii) Dustin and Danielle Ludwig
(ix) Fred Vanderbos
(x) Jonathan Malda
(xi) Rick and Jenny Vandenbos
(xii) Wayne and Liz Vanderwoude
(xiii) Ronn, Annie-Lynn and Braden Van Andel
(xiv) Frank Schuurman

The Agenda for the January 14, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) December 3, 2013

The Minutes of the December 3, 2013 Planning Committee meeting were approved.
(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Bertin respecting public transit for MLE Officers (Item 4.1)

The delegation request from Bertin respecting public transit for MLE Officers, was referred to staff.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 981 - 985 King Street West (Hamilton) (PED14007) (Ward 1) (Item 6.1)

In accordance with the provision of the Planning Act, Chair B. Johnson 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.

The public meeting respecting Report PED14007, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 981 - 985 King Street West (Hamilton), was closed.

The staff presentation respecting Report PED14007, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 981 - 985 King Street West (Hamilton), was waived.

For disposition on this Item, refer to item 4.

(ii) Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 1660 Hall Road (Glanbrook) (PED14008) (Ward 11) (Item 6.2)

In accordance with the provision of the Planning Act, 1st Vice Chair J. Partridge 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.

The public meeting respecting Report PED14008, Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 1660 Hall Road (Glanbrook), was closed.

The staff presentation respecting Report PED14008, Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 1660 Hall Road (Glanbrook), was waived.

For disposition on this Item, refer to item 5.

(iii) Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) (PED14003) (Ward 11) (Item 6.3)

In accordance with the provision of the Planning Act, 1st Vice Chair J. Partridge 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, official plan amendment and 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.

No public speakers came forward.

The public meeting respecting Report PED14003, Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook), was closed.

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The staff report respecting Report PED14003, Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook), was waived.

James Webb, consultant on behalf of the owner, advised that the owner agrees to table this item to the February 4, 2014 meeting of Planning Committee.

The presentation on behalf of the owner respecting Report PED14003, Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook), was received.

Report PED14003, Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook), was tabled to the February 4, 2014 meeting of the Planning Committee.

(iv) Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210(a)) (Ward 11) (Item 6.4)

In accordance with the provision of the Planning Act, 1st Vice Chair J. Partridge 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.

The public meeting respecting Report PED13210(a), Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook, was closed.
The staff presentation respecting Report PED13210(a), Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook, was waived.

The correspondence respecting Report PED13210(a), Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook, was received.

For disposition on this Item, refer to item 6.

(f) DISCUSSION ITEMS (Item 8)

(i) Amendment to Site Plan Control By-law No. 03-294, as Amended by By-law No. 08-298 (PED14014) (City Wide) (Item 8.3)

Report PED14014, Amendment to Site Plan Control By-law No. 03-294, as Amended by By-law No. 08-298:

(a) was referred to staff for further consideration and community consultation, including, but not limited to: one dedicated information center/meeting; PIC advertisement; and input from the Agricultural and Rural Affairs Sub-Committee;

(b) Is to come back to the Planning Committee along with the draft rural zoning by-law in May 2014.

(g) MOTIONS (Item 9)

(i) A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide) (PD02229(d)) (Item 10.1)

(a) That report PD02229(d), A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide), be referred to the General Issues Committee;

(b) That report PD02229(d), A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide), be removed from the Planning Committee Outstanding Business List.

For disposition on this Item, refer to item 9.
(h) NOTICES OF MOTION (Item 10)

Councillor Clark introduced the following Notice of Motion:

(i) A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide) (PD02229(d)) (Item 10.1)

(a) That report PD02229(d), A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide), be referred to the General Issues Committee;

(b) That report PD02229(d), A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide), be removed from the Planning Committee Outstanding Business List.

The rules were waived in order to allow a motion respecting A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide) (PD02229(d)) to be heard today.

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

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item E: Racing Pigeons
    Current Date: January 14, 2014
    New Date: February 18, 2014

(bb) Item J: City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
    Current Date: January 14, 2014
    New Date: TBD

(cc) Item Q: Binbrook (139 Fall Fair Way) Sanitary and Stormwater Systems Performance (PED12182(a)/PW13016)
    Current Date: January 14, 2014
    New Date: February 4, 2014

(dd) Item S: Fifty Road
    Current Date: January 14, 2014
    New Date: February 18, 2014

The following items were removed from the Outstanding Business List:
(aa) Item FF: Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210)

(bb) Item I: Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92 (PED13154)

(cc) Item C: Pleasantview, Dundas, divesting of four properties (PED11052)

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(i) OMB Appeal by Nebo Group (2006) Inc. for non-decision of Regional Official Plan Amendment and Zoning By-law Amendment applications and Legal Direction (LS14002) (Ward 11) (Item 12.1)

The Planning Committee moved into Closed Session, at 11:20 a.m. for the discussion of Item 12.1, respecting OMB Appeal by Nebo Group (2006) Inc. for non-decision of Regional Official Plan Amendment and Zoning By-law Amendment applications and Legal Direction (LS14002) (Ward 11), pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

For disposition on this Item, refer to item 10.

(k) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 12:08 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

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