THE PLANNING COMMITTEE PRESENTS REPORT 13-012 AND RESPECTFULLY RECOMMENDS:

1. **Inflatable Pools (PED13106) (City Wide) (Item 5.1)**

   That Report PED13106, Inflatable Pools, be received.

2. **Heritage Permit Application HP2013-017, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 958 Beach Boulevard (Hamilton) (PED13127) (Ward 5) (Item 5.2)**

   That Heritage Permit Application HP2013-017 be approved for the erection of a new single detached dwelling with an attached garage, on the designated property at 958 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED13127, subject to the submission of a completed site plan and the following conditions:

   (a) That the final design, including specifications for the attached garage, windows, doors, cladding, and porch details, shall be submitted, to the
satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(b) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;

(c) That the dimensions, design, and materials for any new fencing and gates, shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(d) That as many existing trees as possible shall be retained, and a minimum of one new tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(e) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(g) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3. **Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) (Item 5.3)**

That Heritage Permit Application HP2013-026 be approved for the erection of a new single detached dwelling on the designated property at 890 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED13128, subject to the submission of a completed site plan and the following conditions:

(a) That the specifications of the cladding materials for the new dwelling shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
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(b) That the specifications for the proposed windows, doors, cladding, porch columns, and railings, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(c) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;

(d) That the dimensions, design, and materials for any new fencing and gates, shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(e) That as many existing trees as possible shall be retained, and/or that at least one new tree of a minimum caliper of 55mm and of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(f) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(g) That any minor changes to the plans and elevations following approval, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(h) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

(i) That vinyl be permitted on the exterior of the building.

4. Request to Designate 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church), Under Part IV of the Ontario Heritage Act (PED13129) (Ward 9) (Item 5.4)

(a) That 2251 Rymal Road East (Stoney Creek) ( Former Elfrida Church) be included in the Register of Property of Cultural Heritage Value or Interest, and staff make the appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;

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(b) That staff be directed to carry out a Cultural Heritage Assessment of 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act;

(c) That if 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act;

(d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff’s workplan for completion in 2018, as per Appendix “G” to Report PED13129;

(e) That Report PED13129 be forwarded to the Hamilton Municipal Heritage Committee for information;

(f) That Report PED13129 be forwarded to the owner of 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) for information.

5. Request to Designate 105 Erie Avenue (Hamilton) Under Part IV of the Ontario Heritage Act (PED13130) (Ward 2) (Item 5.5)

(a) That 105 Erie Avenue (Hamilton) be included in the Register of Property of Cultural Heritage Value or Interest, following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED13130, and that staff makes the appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;

(b) That staff be directed to carry out a Cultural Heritage Assessment of 105 Erie Avenue (Hamilton) to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act;

(c) That if 105 Erie Avenue (Hamilton) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act;

(d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff’s workplan for completion in 2018, as per Appendix “G” to Report PED13130;
(e) That Report PED13130 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation, prior to the Council-approved inclusion of 105 Erie Avenue (Hamilton) in the Register of Property of Cultural Heritage Value or Interest;

(f) That Report PED13130 be forwarded to the owner of 105 Erie Avenue (Hamilton) for information.

6. Application to Amend Town of Flamborough Zoning By-law No. 90-145-Z for the Property Located at 533 Millgrove Side Road (Flamborough) (PED13145) (Ward 15) (Item 5.7)

(a) That the Compliance Agreement, attached as Appendix “B” to Report PED13145, be deemed to satisfy Item 14, Recommendation (e) of the Planning Committee Report 12-018 from the meeting of November 20, 2012, which reads as follows:

“(e) That the approval be conditional on an agreed to timeline by the applicant or compliance agreement.”

(b) That the Mayor and Clerk be authorized and directed to execute the Compliance Agreement, attached as Appendix “B” to Report PED13145;

(c) That the draft By-law, attached as Appendix “C” to Report PED13145, for Zoning By-law Amendment Application ZAC-09-036, by Domson Investments Ltd., Owner, be enacted by City Council.


That Heritage Permit Application HP2013-034 be approved for the demolition of an existing garage and erection of a new garage, on the designated property at 6 Victoria Street (Cross-Melville Heritage Conservation District) (Dundas), subject to the following conditions:

(a) That the design and location for any light fixtures on the front elevation shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(b) That detailed plans and elevations, including any minor changes following Heritage Permit approval, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
(c) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

8. Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton) (PED13144) (Ward 3) (Item 6.2)

That approval be given to Zoning By-law Amendment Application ZAR-12-057, by 2287135 Ontario Inc., Owner, for a change in zoning from the “D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, in order to permit the adaptive reuse of the existing warehouse building for a commercial wholesale food operation, with an accessory/ancillary office, on the lands located at 273 - 279 East Avenue North (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED13144, subject to the following conditions:

(a) That the draft By-law, attached as Appendix “B” to Report PED13144, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law, attached as Appendix “B” to Report PED13144, be added to Schedule “E12” of City of Hamilton Zoning By-law No. 6593;

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

9. Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton) (PED13136) (Ward 12) (Item 6.3)

That approval be given to Zoning By-law Amendment Application ZAR-13-006, by Scarlett Homes Ltd., Owner, for a change in Zoning from the Residential “R4-549” Zone, Modified, and the Residential “R4-555” Zone, Modified, to the Residential “H-R4-548” Zone, Modified, with a Special Exception, and a Holding Provision, to permit 3 single-detached dwellings, located at 331 Springbrook Avenue and on the front portion of lands located at 331 and 333 Springbrook
Avenue (Hamilton), as shown on Appendix “A” to Report PED13136, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED13136, 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 Map 1 Schedule “B” of Zoning By-law No. 87-57;

(c) That the proposed changes in zoning are consistent with the Provincial Policy Statement and conform to the Places to Grow Growth Plan, the Hamilton-Wentworth Official Plan, and the Town of Ancaster Official Plan.

10. Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas) (PED13135) (Ward 13) (Item 6.4)

(a) That approval be given to Zoning Application ZAR-12-054, by Shed Brewing Company Limited, (Applicant), for a change in zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial – Holding (H - C.A.C./S-125) Zone, Modified, with a Special Exception, to permit a craft brewery within the existing building, on lands municipally known as 65 Hatt Street (Dundas), as shown on Appendix “A” to Report PED13135, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.

(b) That Urban Hamilton Official Plan Amendment No. , to amend Schedule E-1 - Urban Land Use Designations, attached as Appendix “D” to Report PED13135, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, that Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment, for lands located at 65 Hatt Street (Dundas).
11. **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9) (Item 6.5)**

That Report PED13131, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), be received.

12. **Street Name Change from Fieldway Drive to Education Court, Hamilton (PED13133) (Ward 7) (Item 6.7)**

(a) That Fieldway Drive, in the former City of Hamilton, be renamed “Education Court” as identified on Appendix “A” to Report PED13133;

(b) That the draft By-law, attached as Appendix “G” to Report PED13133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

13. **Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(b)) (City Wide) (Item 8.1)**

That the amending by-law changing the delegated authority in the Site Alteration By-law No. 03-126 from the Director of Building Services to the Senior Director of Growth Management effective January 1, 2014, which is attached as Appendix “A” to Report PED12184(b) and prepared in a form satisfactory to the City Solicitor, be passed.

14. **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(a)) (Ward 9) (Referred from June 18, 2013) (Item 8.2)**

That approval be given to Zoning Application ZAC-11-073, by Norman and Isabelle Vartanian, Owners, for a change in zoning to By-law No. 3692-92 from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-50(H)” Zone, with a Special Exception and Holding Provision, and to the Multiple Residential (Holding) “RM3-51(H)” Zone, with a Special Exception and Holding Provision, and by adding lands to Hamilton Zoning By-law No. 05-200 under the Conservation/Hazard Lands (P5, 452) Zone, with a Special Exception, as shown on Appendix “A” to Report PED13096(a), on the following basis:
(a) That the revised draft By-law, attached as Appendix “B” to Report PED13096(a), 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 “A”, Map No. 11, of Zoning By-law No. 3692-92;

(c) That the draft By-law, attached as Appendix “C” to Report PED13096(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(d) That the amending By-law be added to Schedule “A”, Map Nos. 1354 and 1406, of Zoning By-law No. 05-200; and,

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the City of Stoney Creek Official Plan, and the Nash Neighbourhood Secondary Plan;

(f) That a warning clause regarding landfill proximity be included in the Bill of Sale.

15. The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Item 8.3)

(a) That staff be directed to establish a Design Review Panel, for a two year Pilot Program commencing on January 1, 2014, as set out in the Mandate, attached hereto as Revised Appendix “A”;

(b) That staff be directed to assess and report back to Planning Committee on the effectiveness of the Design Review Panel Pilot Program at the end of the two years.

(c) That Appendix “A”, Design Review Panel – Mandate, Section 6.3(d) be amended so that the words “in closed session” be added following the words “beginning their deliberations”, and that the words “on a consensus basis” be added after the words “advice with respect to the project”, to read as follows:

6.3(d) Following the proponent’s presentation, the DRP will have the opportunity to ask questions for clarification before beginning their deliberations in closed session and developing its advice with respect to the project on a consensus basis.

(d) That Appendix “A”, Design Review Panel – Mandate, Section 7.0 be amended so that all pertinent Ontario Legislation and Regulation is referenced, to read as follows:
7.0 Conflict of interest rules will apply to all Design Review Panel members, pursuant to the Municipal Conflict of Interest Act, R.S.O., 1190, Chapter M.50. (a copy of which will be provided to members upon their appointment) or any other pertinent legislation of governing bodies applying to professionals.

16. Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2) (Item 8.4)

That the application for Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), be approved with no conditions, as recommended by the Hamilton Municipal Heritage Committee.

17. Newalta Stoney Creek Landfill – Supporting Documents (Item 9.1)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents to support the proposals within seven days.

18. Newalta Stoney Creek Landfill – Ministry of the Environment (Item 9.2)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

(a) That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights;

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(b) That a copy of the request to the Minister of Environment be forwarded to local MPPs and the Environmental Commissioner.

19. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)

(a) That Report LS13027 remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;

(b) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13027 be approved as the basis of a settlement of part of the appeal of the Urban Official Plan by Paletta International Corporation as identified in Appendix "A";

(c) That staff be directed to advise the OMB that the City of Hamilton and Paletta International Corporation have settled part of Paletta International Corporation's appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report;

(d) That the amendments described in the recommendation contained in Appendix "B" be approved as: (1) the position of the City in the UHOP appeal proceedings; and (2) as the basis of a partial settlement of a portion of the appeals of the following appellants: 2000963 Ontario Inc., 2084696 Ontario Inc., 2188410 Ontario Inc., Mud and First Inc., Multi-Area Developments Inc., Paletta International Corporation, Artstone Holdings Limited and Corpveil Holdings Limited.

20. Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9) (Item 6.11)

(a) That approval be given to Amended Official Plan Amendment Application OPA-07-036(R), by Heritage Highlands Corporation, Owner, for Amendment No. to the Stoney Creek Official Plan, for changes in designation on “Schedule A - General Land Use Plan” from “Service Commercial”, “Open Space”, and “Residential” to “Shopping Centre”; and for changes in designation on Schedule A3 - West Mountain Planning District (Heritage Green) Secondary Plan” from “Service Commercial”, “Neighbourhood Park”, and “Medium-High Density Residential” to “Community Shopping Centre”, in order to permit a shopping centre with various retail uses, on the lands located at 512...
Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13131, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Amended Zoning Amendment Application ZAC-07-112(R), by Heritage Highlands Corporation, Owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre “SC2-7(H1)(H2)(H3)(H4)(H5)” (Holding) Zone, with a Special Exception and Holding Provisions, to permit the development of a shopping centre, for lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “A”, Map No. 15, of Zoning By-law No. 3692-92;

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No. .

(c) That upon finalization of the implementing By-laws, the subject lands be redesignated from “Commercial - Service Commercial”, “Parkland - Neighbourhood Park”, and “Medium - High Density Residential” to “Commercial - Community Shopping Centre”, in the Valley Park Neighbourhood Plan.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS
4.2 Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), for today’s meeting

4.3 Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, 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(a)) (Ward 9), on today’s agenda

2. PUBLIC HEARINGS AND DELEGATIONS

6.5 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9)

(i) Correspondence from Nick DeFilippis

3. DISCUSSION ITEMS

8.3 The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Outstanding Business List Item)

(i) Correspondence from Julie Greer

The Agenda for the August 13, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest for item 11.1(b), as his family is involved with the taxi business.

(c) APPROVAL OF MINUTES (Item 3)

(i) July 9, 2013

The Minutes of the July 9, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)
(i) **Delegation Request from Paul Goulet and Steve Featherstone respecting an exemption to the Responsible Pet Ownership By-law (Item 4.1)**

The Delegation Request from Paul Goulet and Steve Featherstone respecting an exemption to the Responsible Pet Ownership By-law, was approved for a future meeting.

(ii) **Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), for today’s meeting (Item 4.2)**

The Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), was approved for today’s meeting.

(iii) **Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, 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(a)) (Ward 9), on today’s agenda (Item 4.3)**

The Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, 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(a)) (Ward 9), on today’s agenda, was withdrawn.

(e) **CONSENT ITEMS (Item 5)**

(i) **Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) (Item 5.3)**

The recommendations contained in Report PED13128, Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5), were amended by adding a new sub-section (i), to read as follows:

(i) That vinyl be permitted on the exterior of the building.

For disposition on this Item, refer to item 3.
(ii) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough) (PED13139) (Ward 14) (Item 5.6)

Report PED13139, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough), was tabled to the September 4, 2013 meeting of the Planning Committee.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Dean Carr respecting access to his private garage from Bull’s Lane (tabled from July 9, 2013) (Item 6.1)

Christina Crane, on behalf of Dean Carr, provided an overview of Bull’s Lane history with the aid of speaking notes. A copy of the speaking notes has been included as part of the public record.

The delegation request from Christina Crane, on behalf of Dean Carr, respecting access to a private garage from Bull’s Lane, was received.

This item was referred to Public Works committee on August 15, 2013.

The motion CARRIED on the following vote:

Yeas: R. Pasuta, J. Partridge, M. Pearson, B. Clark, B. Johnson, C. Collins
Total: 6

Nays: J. Farr, L. Ferguson
Total: 2

Absent: T. Whitehead
Total: 1

(ii) Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton) (PED13144) (Ward 3) (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 Council – August 13, 2013
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 PED13144 Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton), was closed.

The staff presentation, respecting Report PED13144 Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton), was waived.

For disposition on this Item, refer to item 8.

(iii) Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton) (PED13136) (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 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.

The public meeting, respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was closed.

Timothy Lee, Planner, provided an overview of Report PED13136, with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The staff presentation respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was received.

Glen Wellings, agent, expressed his client’s intent for the property.

The agent’s presentation respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was received.
(iv) **Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas) (PED13135) (Ward 13) (Item 6.4)**

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.

The public meeting, respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was closed.

Heather Travis, Senior Planner, provided an overview of Report PED13135, with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The staff presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was received.

James Webb, agent on behalf of the proponent, and the proponent, expressed the intent for the property.

The agent and proponent’s presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was received.

For disposition on this Item, refer to item 10.

(v) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9) (Item 6.5)**

(i) **Correspondence from Nick DeFilippis**

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.

The public meeting, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was closed.

The staff presentation, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was waived.

The correspondence, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was received.

For disposition on this Item, refer to item 11.

(vi) Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton) (PED13119) (Ward 3) (Item 6.6)

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.

The public meeting, respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was closed.

The staff presentation, respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was waived.
Ed Fothergill, agent on behalf of the proponent, spoke to the application and indicated that the capacity and number of occupants would not increase.

The agent’s presentation respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was received.

Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was tabled for a future meeting to allow for the Ward Councillor to conduct public meetings.

(vii) Street Name Change from Fieldway Drive to Education Court, Hamilton (PED13133) (Ward 7) (Item 6.7)

The public meeting, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, was closed.

The staff presentation, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, was waived.

For disposition on this Item, refer to item 12.

(g) DISCUSSION ITEMS (Item 8)

(i) 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(a)) (Ward 9) (Referred from June 18, 2013) (Item 8.2)

The recommendations contained in Report PED13096(a), 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), were amended by adding a new sub-section (f), to read as follows:

(f) That a warning clause regarding landfill proximity be included in the Bill of Sale.

For disposition on this Item, refer to item 14.

(ii) The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Item 8.3)

(i) Correspondence from Julie Greer
David Premi expressed his support for the report with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The delegation from David Premi respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, was received.

The correspondence from Julie Greer, respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, was received.

That staff seek the Design Review Panel 's advice on the pilot program 's scope;

The recommendations contained in Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, were amended by adding new sub-sections (d), (e) and (f), to read as follows:

(d) That staff seek the Design Review Panel 's advice on the pilot program 's scope;

(e) That Appendix “A”, Design Review Panel – Mandate, Section 6.3(d) be amended so that the words “in closed session” be added following the words “beginning their deliberations”, and that the words “on a consensus basis” be added after the words “advice with respect to the project”, to read as follows:

6.3(d) Following the proponent’s presentation, the DRP will have the opportunity to ask questions for clarification before beginning their deliberations in closed session and developing its advice with respect to the project on a consensus basis.

(f) That Appendix “A”, Design Review Panel – Mandate, Section 7.0 be amended so that all pertinent Ontario Legislation and Regulation is referenced, to read as follows:

7.0 Conflict of interest rules will apply to all Design Review Panel members, pursuant to the Municipal Conflict of Interest Act, R.S.O., 1190, Chapter M.50. (a copy of which will be provided to members upon their appointment) or any other pertinent legislation of respective professional governing body.

For disposition on this Item, refer to item 15.
(iii) **Heritage Permit Application HP2013-035, Under Part IV of the *Ontario Heritage Act*, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2) (Item 8.4)**

The recommendations contained in Report PED13147, Heritage Permit Application HP2013-035, Under Part IV of the *Ontario Heritage Act*, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), were amended by deleting the current recommendations and replacing them with the following recommendations, to read as follows:

That the application for Heritage Permit Application HP2013-035, Under Part IV of the *Ontario Heritage Act*, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), be approved with no conditions, as recommended by the Hamilton Municipal Heritage Committee.

The amendment CARRIED on the following vote:

- **Yeas:** L. Ferguson, R. Pasuta, J. Partridge, M. Pearson, B. Johnson, J. Farr
- **Total:** 6
- **Nays:** C. Collins, B. Clark
- **Total:** 2
- **Absent:** T. Whitehead
- **Total:** 1

For disposition on this Item, refer to item 16.

(h) **MOTIONS (Item 9)**

(i) **Newalta Stoney Creek Landfill – Supporting Documents (Item 9.1)**

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents support the proposals within seven days.

For disposition on this Item, refer to item 17.
(ii) Newalta Stoney Creek Landfill – Ministry of the Environment (Item 9.2)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights. Further that a copy of this request be forwarded to local MPPs and the Environmental Commissioner.

For disposition on this Item, refer to item 18.

(i) NOTICES OF MOTION (Item 10)

Councillor Clark introduced the following Notice of Motion:

(i) Newalta Stoney Creek Landfill – Supporting Documents (Item 10.1)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents support the proposals within seven days.

The rules were waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Supporting Documents.
Councillor Clark introduced the following Notice of Motion:

(ii) **Newalta Stoney Creek Landfill – Ministry of the Environment (Item 10.2)**

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights. Further that a copy of this request be forwarded to local MPPs and the Environmental Commissioner.

The rules were waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Ministry of the Environment.

(j) **GENERAL INFORMATION AND OTHER BUSINESS (Item 11)**

(i) **Outstanding Business List Amendments (Item 11.1)**

The following Outstanding Business List due dates were revised:

(a) Item P: Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy)
Current Due Date: May 12, 2013
Proposed New Due Date: December 3, 2013

(b) Item S: Vehicle Inspection Manual for Taxis (PD05141(c))
Current Due Date: August 13, 2013
Proposed New Due Date: 2014

The following items were removed from the Outstanding Business List:

(a) Item U: (A) Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(a))
(b) Item GG: 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 (PED13096)

(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)

At 2:05 p.m., Committee moved into Closed Session to consider item 12.1 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 2:20 p.m.

(i) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)

For disposition on this Item, refer to item 19.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:23 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk

Council – August 13, 2013