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

Absent with Regrets: Councillor T. Whitehead – City Business

Also Present: Councillor R. Powers

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

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

   (Pearson/Ferguson)

   That Report PED13106, Inflatable Pools, be received.

   CARRIED

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)

   (Johnson/Pasuta)

   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 calliper 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.

CARRIED

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)

(Pearson/Collins)
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;

(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.  

CARRIED as Amended

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)
(Pearson/Partridge)
(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;

(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.

CARRIED

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

(Farr/Pearson)
(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.

CARRIED

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)

(Partridge/Pearson)

(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.

CARRIED


(Johnson/Ferguson)
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.

CARRIED

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)

(Collins/Pearson)
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;
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)

(Ferguson/Pearson)
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.

CARRIED

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

(Johnson/Ferguson)
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. [blank], 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).

CARRIED

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)

(Collins/Partridge)
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.

CARRIED

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

(Collins/Ferguson)
(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.

CARRIED
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)

(Clarke/Johnson)
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.

CARRIED

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)

(Clarke/Pearson)
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.

CARRIED as Amended

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

(Collins/Farr)

(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 respective professional governing body.

CARRIED as Amended

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)**

(Ferguson/Pearson)
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.

CARRIED

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

(Clark/Johnson)
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.

CARRIED

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

(Clark/Johnson)
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;

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

CARRIED
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)

(Collins/Pearson)
That recommendations (a) through (d) contained in Report LS13027, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction, be approved and remain confidential until Council approval.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

4.2 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
( Pearson/Johnson)
That the Agenda for the August 13, 2013 meeting of the Planning Committee be approved, as amended.

CARRIED

(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

(Collins/Ferguson)
That the Minutes of the July 9, 2013 Planning Committee meeting be approved.

CARRIED

(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)

( Partridge/Johnson)
That the Delegation Request from Paul Goulet and Steve Featherstone respecting an exemption to the Responsible Pet Ownership By-law, be approved for a future meeting.

CARRIED

(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)

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

CARRIED
(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)

(Collins/Pearson)
That 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), be amended by adding a new sub-section (i), to read as follows:

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

CARRIED

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)

(Pasuta/Pearson)
That 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), be tabled to the September 4, 2013 meeting of the Planning Committee.

CARRIED

(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.

**Partridge/Pearson**
That the delegation request from Christina Crane, on behalf of Dean Carr, respecting access to a private garage from Bull's Lane, be received. **CARRIED**

**Johnson/Clark**
That this item be 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 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.

**Collins/Pearson**
That 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), be closed.

CARRIED

(Pearson/Collins)
That 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), be waived.

CARRIED

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.

(Ferguson/Pearson)
That 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), be closed.

CARRIED

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.

(Pearson/Ferguson)
That 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), be received.

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

(Clark/Pearson)
That 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), be received.

CARRIED

For disposition on this Item, refer to item 9.

(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.

(Partridge/Pearson)
That the public meeting, respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), be closed.

CARRIED

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.

(Pearson/Partridge)
That the staff presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), be received.

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

(Pearson/Collins)
That the agent and proponent presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), be received.

CARRIED

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.

(Ferguson/Collins)
That 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), be closed.

CARRIED

(Ferguson/Collins)
That 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), be waived.

CARRIED

(Collins/Partridge)
That 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), be received.
(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.

(Pearson/Pasuta)
That 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), be closed.

CARRIED

(Pearson/Pasuta)
That 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), be waived.

CARRIED

Ed Fothergill, agent on behalf of the proponent, spoke to the application and indicated that the capacity and number of occupants would not increase.

(Collins/Partridge)
That 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), be received.

CARRIED

(Collins/Ferguson)
That 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), be tabled for a future meeting to allow for the Ward Councillor to conduct public meetings.  

CARRIED

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

(Ferguson/Pearson)
That the public meeting, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, be closed.

CARRIED

(Ferguson/Pearson)
That the staff presentation, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, be waived.

CARRIED

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)

(Clark/Pearson)
That 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), be 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.

Amendment CARRIED

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.

**Collins/Partridge**
That the delegation from David Premi respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, be received.

**CARRIED**

**Collins/Clark**
That the correspondence from Julie Greer, respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, be received.

**CARRIED**

**Collins/Farr**
That staff seek the Design Review Panel’s advice on the pilot program’s scope;

**CARRIED**

**Clark/Pearson**
That the recommendations contained in Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, be 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.

Amendment CARRIED

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)

      (Ferguson/Pearson)
That 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), be 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)
(Clark/Johnson)
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.

CARRIED

For disposition on this Item, refer to item 17.

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

(Clark/Johnson)
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.

CARRIED

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.

(Clark/Johnson)
That the rules be waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Supporting Documents.

CARRIED

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.

(Clark/Johnson)
That the rules be waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Ministry of the Environment.

CARRIED

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

(i) Outstanding Business List Amendments (Item 11.1)

(Johnson/Pearson)
That the following Outstanding Business List due dates be 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

CARRIED

(Johnson/Pearson)
That the following items be 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)

CARRIED

(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)

(Clark/Pearson)
That at 2:05 p.m., Committee move 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.

CARRIED

(Ferguson/Partridge)
That 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

(Ferguson/Partridge)
That, there being no further business, the Planning Committee adjourn at 2:23 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk