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

Also Present: Councillor T. Jackson

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Revisions to Parkside Hills Phase 2 Draft Plan of Subdivision (25T-201003(R)) (Waterdown) (PED14226) (Ward 15) (Item 5.1)

(Pearson/Ferguson)
That Revised Subdivision Application 25T-201003(R), as red-line revised, by Parkside Hills Inc, Owner, to establish a draft plan of subdivision (“Parkside Hills - Phase 2”) on lands located at 619 Centre Road, Waterdown (Flamborough), as shown on Appendix “A” to Report PED14226, be approved subject to the following conditions:

(a) That this approval for the Redline Revised Draft Plan of Subdivision, 25T-201003(R), prepared by Metropolitan Consulting Inc., and certified by Tom Salb, J.D. Barnes Surveying Inc., dated April 7, 2014, as red-line revised, showing nineteen (19) Blocks consisting of, one Block (Block 11) for low density residential development; nine Blocks (Blocks 1, 2, 3, 5, 6, 7, 8, 10 and 16) for medium density residential development; three Blocks (Blocks 14, 17 and 18) for District Commercial uses; one Block (Block 12) for storm water management facility; one Block (Block 13) for Open Space; two Blocks (Blocks 9 and 15) for future development; and two Blocks (Blocks 4 and 19) for road widening purposes, be received and endorsed by City Council; and,
(b) That the Amended Conditions of Draft Plan Approval for Revised Draft Plan of Subdivision, 25T-201003(R) provided as Appendix “B”, be received and endorsed by City Council;

(c) That the proposed changes to the Revised Draft Plan of Subdivision, as red-line revised, are consistent with the Provincial Policy Statement, and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow), the Urban Hamilton Official Plan (UHOP) and the Waterdown North Secondary Plan; and,

(d) That Legal Counsel be directed to bring the Revised Draft Plan of Subdivision, as red-line revised, and associated Conditions of Draft Plan Approval, attached as Appendix “B” to the Ontario Municipal Board for approval.

(e) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:

(i) The City of Hamilton will share costs with the Owner for the stormwater management facility, based on the upset limit identified in the current Development Charges Background Study, and in accordance with the City’s financial policies and as outlined by the D/C Settlement Agreement between Parkside Hills Inc. and the City.

(ii) The City of Hamilton will share costs with the Owner for the re-alignment of the creek in accordance with the D/C Settlement Agreement between Parkside Hills Inc. and the City.

(iii) The City of Hamilton shall pay the full cost of construction of the East–West Corridor Road, save and except the cost for installation of any turning lanes to service the subject lands. The City shall pay the land required for the road in excess of 26.0m in accordance with the City’s financial policies.

All in accordance with the Financial Policies for Development, as approved by Council.

(f) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit.
All in accordance with the City’s Parkland Dedication By-law, as approved by Council.

CARRIED

2. Hamilton Historical Board Minutes - July 15, 2014 (Item 5.3)

(Pearson/Ferguson)
That the Hamilton Historical Board Minutes - July 15, 2014, be received.
CARRIED

3. Proposed Zoning By-law Amendment Affecting Lands Located at 252 Governor’s Road (PED14205) (Ward 13) (Item 6.1)

(Pearson/Clark)
(a) That the draft By-law, attached as Appendix “B” to Report PED14205, be deleted and replaced with the revised draft by-law (attached hereto);

(b) That the staff recommendation for 252 Governors Road be deleted in its entirety and replaced with the following recommendation:

That approval be given to Amended Zoning By-law Amendment Application ZAR-14-017, by Steve Dunham, Owner, for a modification to the Single Detached Residential “R1” Zone, to the Single Detached Residential “R1/S-128” Zone, Modified, with a Special Exception, on lands located at 252 Governor’s Road (Dundas) to permit a day nursery having a maximum of 26 children, as shown on Appendix “A” to Report PED14205, on the following basis:

(a) That the revised draft By-law, attached as Appendix “B” to Report PED14205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 3581-86;

(c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP).”

CARRIED as Amended

4. Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) (Item 6.2)

(Whitehead/Pearson)
That **Zoning By-law Amendment Application ZAR-14-021, by Barry Buckley, Margaret Buckley, and Sheila Land, Owner**, for a modification to the “R-4” (Small Lot Single Family Residential) District, with a Holding Provision, on lands located at 30 Eleanor Avenue (Hamilton), as shown on Appendix “A” to Report PED14206, be approved, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Schedule “A”, Map No. E38c of Zoning By-law No. 6593; and, 

(c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP) and the Eleanor Neighbourhood Plan.

CARRIED

5. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton) (PED14197) (Ward 1) (Item 6.3)

(Whitehead/Ferguson)
That approval be given to **Zoning Application ZAR-14-020, by Cynthia Bernstein, Owner**, for a modification to the “H/S-1644” (Community Shopping and Commercial) District, Modified, to the Community Shopping and Commercial “H/S-1644a” District, Modified, to permit the establishment of a 36-seat commercial outdoor licensed patio in the rear yard and to recognize the existing six-seat patio located in the northeast side yard for a total patio seating of 42 seats (Block “1”), on lands located at 252-254 Locke Street South (Hamilton), as shown on Appendix “A” to Report PED14197, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14197, 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 Section 19B of Zoning By-law No. 6593 as “S-1644a”.

(c) That the proposed change in zoning conforms to the Growth Plan for the Greater Golden Horseshoe, is consistent with the Provincial Policy Statement, and is in conformity with the Urban Hamilton Official Plan.

(d) That the application fee be reduced to reflect the 2011 fee for a routine rezoning application.
6. Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for the Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) (Item 6.4)

(Pasuta/Ferguson)
That approval be given to revised Zoning Application ZAC-13-030, by Todd Walker, Owner, for a change in zoning from the “A” (Agricultural) Zone to the “R3-6”-‘H’ (Estate Residential) Holding Zone, Modified, to facilitate the establishment of four lots along Concession 8 Road West through future severance applications, on lands located at 1605 Kirkwall Road (Flamborough), as shown on Appendix “A” to Report PED14198, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the proposed change in zoning is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Rural Hamilton Official Plan.

CARRIED

7. Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough) (PED14225) (Ward 14) (Item 6.5)

(Pasuta/Ferguson)
That approval be given to Zoning Application ZAR-14-012, Dumfries Mutual Insurance Company, Applicant, for a further modification to the Settlement Commercial “SC-7” Zone, Modified, to the Settlement Commercial “SC-19-H” Holding Zone, Modified, on lands located on a portion of 1292 Old Highway No. 8, Sheffield (Flamborough), as shown on Appendix “A” to Report PED14225, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14225, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law apply the following Holding Provision in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision ‘H’ shall not be removed until such time as the following condition has been completed to the satisfaction of the Director of Water and Wastewater Planning and Capital.

CARRIED
“That no development take place until such time as the proposed private servicing strategy, including design details and monitoring, has been approved by the Sustainable Initiatives Section, to the satisfaction of the Director of Water and Wastewater Planning and Capital.”

(c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, and is in conformity with the Rural Hamilton Official Plan.

CARRIED

8. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton) (PED14158) (Ward 5) (Item 6.6)

(Collins/Pearson)
That approval be given to amended Zoning Application ZAR-14-007 by 1298089 Ontario Inc. (Mohinder Lamba), Owner, for a modification in zoning to the “AA/S-1712”-‘H’ (“Agricultural” – ‘Holding’) District, Modified, of Hamilton Zoning By-law No. 6593, to allow a stand-alone parking lot in conjunction with the proposed medical/office use located at 2803 King Street East, for the lands located at 2791 King Street East, Hamilton, as shown on Appendix “A”, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the change in zoning is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan;

(c) That upon finalization of the implementing By-law, the Greenford Neighbourhood Plan be amended to change the designation from “Commercial Residential Conservation” to “Commercial”.

(d) That Planning, Growth Management and Public Works staff be directed to work with the applicant to enter into the necessary agreements to implement the concept plan as shown on Appendices “C” and “D”.

(e) That Planning Division Staff, in conjunction with the Ward Councillors for Wards 5 and 10, be directed to ensure that as part of the Site Plan review process that enhanced landscaping is provided within the road allowance and along the neighbouring residential properties to the west and north of
2791 King Street East, and as part of the Site Plan review process coordinate with the Ward Councillor for opportunities for consultation with the adjacent property owners.

CARRIED as Amended

9. Hamilton Gateway Marquee Partnership (Ward 4 with City Wide Implications) (PW14093) (Item 8.1)

(Collins/Ferguson)
That report PW14093, Hamilton Gateway Marquee Partnership, be received.

CARRIED

10. Sign Variance Application SV-14-007 for the Property Known as 900 Woodward Avenue, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant (PED14217) (Ward 4) (Item 8.2)

(Ferguson/Collins)
(a) That the Appeal of Sign Variance Application SV-14-007 dated August 15, 2014, by Jeremy Kramer of Kramer Design Associates (KDA), to construct one Ground Sign to advertise Tim Hortons Field, the Hamilton Tiger Cats and other events, for the property located at 900 Woodward Avenue (Hamilton), as shown on Appendix “A” to Report PED14217, be approved.

(b) That the Mayor write to the Minister of Transportation indicating the City of Hamilton’s support for the sign variance.

CARRIED as Amended

11. City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as Permitted Uses in Rural Areas (PED14037(c)) (Wards 9, 11, 12, 14 and 15) (Item 8.3)

(Partridge/Pasuta)
(a) That staff be directed to consult on the definition of a medical marihuana growing and harvesting facility, including accessory laboratory facilities, and the associated regulations, including distance separation, for the proposed Zoning By-law No. 05-200 Agricultural (A1) and Agricultural (A2) Zones for the Rural area.

(b) That staff continue to monitor these facilities and identify if any changes are required to the regulations as part of the proposed Agricultural zones.

(c) That Site Control By-law 03-294 be amended by adding a medical marihuana growing and harvesting facility and an aquaponics facility as
paragraphs 9.6 and 9.7 respectively to address such matters water
quality/quantity, storm drainage, and wastewater.

CARRIED as Amended

12. **Barton-Tiffany Urban Design Study (PED14164) (Wards 1 and 2) (Item 8.4)**

(Farr/Whitehead)

(a) That the Barton-Tiffany Urban Design Study, Design Concept and
Guidelines, attached as Appendix “E” to Report PED14164, be adopted;

(b) That staff be directed to prepare and schedule a public meeting of the
Planning Committee to present the Official Plan and Zoning By-Law
Amendments required to implement the findings as illustrated in Appendix
“D” of Report PED14164 – Sites that require Official Plan and/or Zoning
By-Law Amendments, and outlined in Appendix “E” - Barton-Tiffany Urban
Design Study, Design Concept and Guidelines; specifically:

(i) 180, 182 and 198 Barton Street West, north side (between Hess
Street North and Caroline Street North): Reduce building height from
four storeys to three storeys;

(ii) 239 Caroline Street North (west side) at intersection with proposed
East-West road: Increase residential density from Medium Density to
High Density; Increase building height from eight storeys to twelve
stories;

(iii) 128 Barton Street West (lands fronting onto Caroline Street North) at
intersection with proposed East-West road: Increase residential
density from Medium Density to High Density, and, increase building
height from eight storeys to sixteen storeys;

(iv) Caroline Street North (between Barton Street West and Stuart
Street): Increase front yard and building setbacks to a range
between four to ten metres;

(v) 168 Bay Street North (Central Park): delete the proposed residential
designations for the lands near Harriet Street, Mill Street, Caroline
Street North and Railway Street and maintain as Neighbourhood
Park designation; Connect north and south portions of Caroline
Street North through the existing park;

(c) That Landscape Architectural Services staff be directed to undertake the
Master Planning process required to re-design and re-construct Central
Park located at 168 Bay Street North;
(d) That staff be directed to develop a strategy for the Public Works building and yard located at 125 Barton Street West, by undertaking a property appraisal of the site, and to determine the relocation options for the Public Works facility, as illustrated in Appendix “C” to Report PED14164 – Design Concept Plan;

(e) That Fire Department staff be directed to develop a strategy for the Fire Station #13, Mechanical Division located at 177 Bay Street North, including the undertaking of a needs analysis and the development of relocation options for the Fire Department Mechanical Division, as illustrated in Appendix “C” to Report PED14164 – Design Concept Plan;

(f) That Public Works and Planning staff be directed to implement the Streetscape Design Guidelines and conceptual right-of-way sections as illustrated in Appendix “E” to Report PED14164 – Barton-Tiffany Urban Design Study, Design Concept and Guidelines.

CARRIED

13. James Street North Mobility Hub Study (PED14169) (Wards 1, 2, and 3) (Item 8.5)

(Farr/Whitehead)
(a) That the Report entitled “James Street North Mobility Hub Study” (attached as Appendix “B” to Report PED14169), be approved;

(b) That Planning staff be directed to report back on the Implementation Strategies and Phasing Recommendations contained within the James Street North Mobility Hub Study.

CARRIED

14. Recommendation to Designate 52 and 56 Charlton Avenue West, Hamilton (Charlton Hall) Under Part IV of the Ontario Heritage Act (PED14176) (Ward 2) (Item 8.6)

(Farr/Pearson)
(a) That the designation of 52 and 56 Charlton Avenue West, Hamilton, shown in Appendix “A” of Report PED14176, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;

(b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED14176, be approved;
(c) That the City Solicitor be directed to take appropriate action to designate 52 and 56 Charlton Avenue West, Hamilton, under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED14176;

(d) That staff be directed to add conditions in the agreement of sale of 52 and 56 Charlton Avenue West providing for the erection of a historical plaque and for the purchaser(s) to enter into a heritage conservation easement agreement with the City.  

CARRIED

15. Funding of External Consultants for OMB Appeals: Strathcona Secondary Plan (Ward 1), Ancaster-Wilson Street Secondary Plan (Ward 12) & Approval of Funding Sources until February 2015 (City Wide) (LS14040) (Item 8.7)

(Collins/Pearson)

(a) That respecting the appeal to the Ontario Municipal Board of the Strathcona Secondary Plan (OPA No. 11) by Glenn Hamilton, Council authorize that the amount required to retain external consultants be funded from the Tax Stabilization Reserve (110046);

(b) That respecting the appeal to the Ontario Municipal Board of the Ancaster-Wilson St. Secondary Plan (OPA No. 24) relating to 121 Fiddler’s Green Rd., Council authorize that the amount required to retain external consultants be funded from the Tax Stabilization Reserve (110046);

(c) That if any additional appeals require external consultants to be retained prior to the January 13, 2015 Planning Committee, that the amounts required to retain such consultants also be from the Tax Stabilization Reserve (110046), up to a maximum of $100,000 per retainer;

(d) That staff report back to the January 13, 2015 Planning Committee if any external consultants are retained and funded.

CARRIED

16. Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road (Item 10.1)

(Collins/Whitehead)

WHEREAS this area has experienced major growth since 2003;
AND WHEREAS, there has been a significant increase in traffic and the Ward Councillor has received numerous concerns regarding pedestrian and vehicular safety;

AND WHEREAS, Council approved the Rymal Road East project from Dartnall Road to Fletcher as part of the 2013 budget;

AND WHEREAS, the project was being tendered in two phases (Phase 1A from Dartnall Road to Upper Red Hill Valley Parkway and Phase 1B from Upper Red Hill Valley Parkway to Fletcher Road);

AND WHEREAS, Phase 1A tendered construction costs came in at higher than estimated costs and there are insufficient funds to tender Phase 1B works;

THEREFORE BE IT RESOLVED:

That the $9M shortfall to complete Phase 1B of the Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road project, be funded as follows, be approved:

(i) The growth related portion, in the amount of $7.38-million as per the City’s Development Charge Background Study from Road Development Charges;

(ii) The balance of the funding $1.62-million be funded from Account No. 23122-000100.

CARRIED

17. 172 & 178 Rymal Rd. W. and 1204 West 5th Street OMB Appeals RE: ZBA (ZAC-13-023) and Plan of Subdivision (25T-201305) Owner: 2190557 Ontario Inc. and 2197925 Ontario Inc. (Sheldon’s Gate) (LS14032/PED14173) (Item 12.1)

(Pearson/Farr)

In regards to appeals to the Ontario Municipal Board by 2190557 Ontario Inc. and 2197925 Ontario Inc. of Zoning By-law Amendment application ZAC-13-023 and Plan of Subdivision (25T-201305) (the “Applications”) concerning lands at 172 & 178 Rymal Road West and 1204 West 5th Street:

(a) That Council supports the principle of the Applications, as revised by staff, subject to resolving the final text of the zoning by-law and conditions of draft plan approval, with content consistent with Report LS14032/PED14173 and satisfactory to the Senior Director, Growth Management and the Director of Planning.
(b) That staff be authorized to enter into discussions with the appellant for the purpose of resolving the final text of the planning instruments.

(c) That, if any matter is not resolved to the satisfaction of the Senior Director, Growth Management and the Director of Planning, staff be directed to proceed to a contested Ontario Municipal Board hearing on those matters.

(d) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items, all in accordance with the City’s Financial Policies, as approved by Council:

(i) The City of Hamilton will not share costs with the Owner for the stormwater management facility in William Connell Park.

(ii) The City of Hamilton will share costs with the Owner for the wider pavement on part of Street “F” which will be a 26m right-of-way.

(e) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan and no Parkland Dedication is being provided. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit.

(f) That the approved Sheldon Neighbourhood Plan be revised to reflect the changes to the proposed road pattern as shown on the proposed draft plan of subdivision.

(g) That Report LS14034/PED14207, and all appendices, remains confidential.

(h) That staff be directed to amend condition #6 of the draft conditions so that the former condition is deleted and replaced with a condition that states:

“That prior to pre-grading, or servicing, the Owner prepare a detailed lot grading plan adjacent to regulated lands to the satisfaction of Hamilton Conservation Authority.”

CARRIED as Amended

18. 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) (LS14034/PED14207) (Item 12.2)

(Partridge/Farr)
In regards to appeals to the Ontario Municipal Board by Cheltenham Development Inc. of Zoning By-law Amendment application ZAC-13-046 concerning lands at 70 Barton St.:

(a) That staff be instructed to oppose the appeal on the basis that approval of the application cannot be supported due to environmental and stormwater management concerns.

(b) That staff be authorized to prepare and present an issues list to the appellant and if the appellant confirms its intention to revise the proposal to address the issues identified, then staff be authorized to enter into settlement discussions with the appellant.

(c) That, if any or all issues are resolved prior to Planning Committee meeting in December 2014 to the satisfaction of the Senior Director, Growth Management and the Director of Planning and the Ward Councillor:

   (i) staff be authorized and directed to present such resolution to the Ontario Municipal Board, which may include preparing and/or executing any necessary or ancillary documents, and

   (ii) staff inform City Council on the outcome of any such resolution.

(d) That Report LS14034/PED14207 remains confidential.

CARRIED

19. Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 620, 622, and 624 King Street West, 22 and 24 Dundurn Street North, and 41, 45, 47, 49, 55, and 59 Head Street (Hamilton) regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028, Site Plan Application DA-13:175, UHOP Official Plan Amendment 14-002, and the Strathcona Secondary Plan (Hamilton) (Ward 1) (LS14039/PED14228) (Item 12.3)

(Farr/Pasuta)

AS AMENDED

CARRIED as Amended

20. Urban Hamilton Official Plan Proposed Settlements and Legal Direction (LS14037) (Item 12.4)

(Whitehead/Pearson)
(a) That Council support the settlement of the Ontario Municipal Board appeals reached between Rise Real Estate Inc., 17 Ewen (Hamilton) Corp., Mondelez Canada Inc., and TCI Realty Holdings Inc., including the agreement to request that the Ontario Municipal Board approve of applicable official plan and zoning by-law amendments to permit a 10 storey residential use for student housing on the lands at 17 Ewen Road in the form as set out in Appendices A and B respectively attached to Report LS14037;

(b) That Council designate the lands at 17 Ewen Road as the site of a future 10 storey residential use as a Class 4 area pursuant to Ministry of Environment Noise Guideline NPC 300;

(c) That the Mayor and City Clerk execute the Multi-Party Agreement, as set out in Appendix “C” attached to Report LS14037, and any other documents- or instruments arising from the Multi-Party Agreement where required or applicable;

(d) That Council amend the Noise By-law, being By-law No. 11-285 in accordance with the amendment set out in Appendix “D” attached to Report LS14037;

(e) That Legal staff be authorized to finalize the details of the proposed official plan and zoning by-law amendments, as well as of the Multi-Party Agreement in the event of technical or drafting requirements, together with such drafting, editorial or technical modifications as may be necessary and consented to by the Director of Planning or his delegate provided these are consistent with the intent of the proposed documents, as set out in Appendices “A”, “B” and “C” attached to Report LS14037;

(f) That Report LS14037 respecting the Urban Hamilton Official Plan Proposed Settlements and Legal Direction, remain confidential, but that the Appendices be made public in the event that Council supports recommendations (a) through (e).

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
4.1 Delegation request from S. Jasper Kujavsky respecting item 8.4 Barton-Tiffany Urban Design Study

4.2 Delegation request from Bill Panagiotakopoulos respecting item 8.3 CI-14-B Review of Medical Marihuana

4.3 Delegation request from Sara Mayo respecting item 8.4 Barton-Tiffany Urban Design Study

4.4 Delegation request from John Vail respecting item 8.4 Barton-Tiffany Urban Design Study

4.5 Delegation request from Steve Rudaniecki respecting item 8.4 Barton-Tiffany Urban Design Study

4.6 Delegation request from Glenn Gibson and Jeremy Kramer respecting item 8.1 and 8.2, Hamilton Gateway Marquee Partnership and Sign Variance at 900 Woodward Ave

4.7 Delegation Request from Matt Johnston respecting Item 12.3 Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited

2. PUBLIC HEARING ITEMS

6.5 Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough) (PED14225) (Ward 14)

(i) Correspondence from John and Julie Richer
(ii) Correspondence from Sharon and Ken Richer
(iii) Correspondence from Robert and Angie Brain

3. DISCUSSION ITEMS

8.3 City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as Permitted Uses in Rural Areas (PED14037(c)) (Wards 9, 11,12,14 and 15)

(i) Correspondence from Ed Fothergill (on behalf of 381 Hwy 8, Dundas)

5. OTHER BUSINESS

11.1 Outstanding Business List - Items to be removed:
(ii) Item MM: Proposal to Proceed with an OMB Appeal for Minor Variance Application, 55 Rymal Road East, Hamilton (PED14108) (Ward 7) (Item 5.2)

(Pearson/Pasuta)
That the Agenda for the September 19, 2014 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) DELEGATION REQUESTS (Item 4)

(i) Delegation request from S. Jasper Kujavsky respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.1)

(Pasuta/Pearson)
That the delegation request from S. Jasper Kujavsky respecting item 8.4 Barton-Tiffany Urban Design Study, be approved for today’s meeting.

CARRIED

(ii) Delegation request from Bill Panagiotakopoulos respecting item 8.3 CI-14-B Review of Medical Marihuana (Item 4.2)

(Ferguson/Pasuta)
That the delegation request from Bill Panagiotakopoulos respecting item 8.3 CI-14-B Review of Medical Marihuana, be approved for today’s meeting.

CARRIED

(iii) Delegation request from Sara Mayo respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.3)

(Clark/Pasuta)
That the delegation request from Sara Mayo respecting item 8.4 Barton-Tiffany Urban Design Study, be approved for today’s meeting.

CARRIED
(iv) Delegation request from John Vail respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.4)

(Pearson/Ferguson)
That the delegation request from John Vail respecting item 8.4 Barton-Tiffany Urban Design Study, be approved for today’s meeting.

CARRIED

(v) Delegation request from Steve Rudaniecki respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.5)

(Farr/Ferguson)
That the delegation request from Steve Rudaniecki respecting item 8.4 Barton-Tiffany Urban Design Study, be approved for today’s meeting.

CARRIED

(vi) Delegation request from Glenn Gibson and Jeremy Kramer respecting item 8.1 and 8.2, Hamilton Gateway Marquee Partnership and Sign Variance at 900 Woodward Ave (Item 4.6)

(Ferguson/Clark)
That the delegation request from Glenn Gibson and Jeremy Kramer respecting item 8.1 and 8.2, Hamilton Gateway Marquee Partnership and Sign Variance at 900 Woodward Ave, be approved for today’s meeting.

CARRIED

(vii) Delegation Request from Matt Johnston respecting Item 12.3 Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited (Item 4.7)

(Pearson/Ferguson)
That the delegation request from Matt Johnston respecting Item 12.3 Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited, be approved for today’s meeting.

CARRIED

(d) CONSENT ITEMS (Item 5)
(i) Sign Variance Application SV-14-002 for the Hamilton Port Authority Lands, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant (PED14227) (Ward 5)

(Ferguson/Pasuta)
That Report PED14227, Sign Variance Application SV-14-002 for the Hamilton Port Authority Lands, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant, be tabled to the December meeting of Planning Committee.

CARRIED

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Proposed Zoning By-law Amendment Affecting Lands Located at 252 Governor’s Road (PED14205) (Ward 13) (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 proposed zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Tim Lee, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Farr/Ferguson)
That the staff presentation be received.

CARRIED

Public Speakers:

1. Jeff Hughes – 4 Creekwood Pl., Hamilton, ON L9H 6S9
   Mr. Hughes expressed concerns to traffic and notice provision.

2. Bruce Lockheart – 254 Governor’s Rd., Hamilton, ON L9H 3K3
   Mr. Lockheart expressed concerns to traffic and parking.

Mr. Parliament expressed concerns to traffic and the number of people at the residence.

(Ferguson/Farr)
That the public speakers be received.  
CARRIED

(Ferguson/Whitehead)
That the public meeting respecting Report PED14205, Proposed Zoning By-law Amendment Affecting Lands Located at 252 Governor’s Road, be closed.  
CARRIED

Paul Mallard, agent on behalf of the applicant, spoke to the amendment and the application, as well as the need for child care.

(Farr/Whitehead)
That the agent’s presentation be received.  
CARRIED

(Pearson/Clark)
(a) That the draft By-law, attached as Appendix “B” to Report PED14205, be deleted and replaced with the revised draft by-law (attached hereto);

(b) That the staff recommendation for 252 Governors Road be deleted in its entirety and replaced with the following recommendation:

    That approval be given to Amended Zoning By-law Amendment Application ZAR-14-017, by Steve Dunham, Owner, for a modification to the Single Detached Residential “R1” Zone, to the Single Detached Residential “R1/S-128” Zone, Modified, with a Special Exception, on lands located at 252 Governor’s Road (Dundas) to permit a day nursery having a maximum of 26 children, as shown on Appendix “A” to Report PED14205, on the following basis:

    (a) That the revised draft By-law, attached as Appendix “B” to Report PED14205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

    (b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 3581-86;
(c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

Amendment CARRIED

For disposition on this Item, refer to item 3.

(ii) Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) (Item 6.2)

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 proposed 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.

(Pearson/Farr)
That the public meeting respecting Report PED14206, Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton), be closed.

CARRIED

(Whitehead/Pearson)
That the staff presentation be waived.

CARRIED

For disposition on this Item, refer to item 4.

(iii) Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton) (PED14197) (Ward 1) (Item 6.3)

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 proposed 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.

(Clark/Ferguson)
That the public meeting respecting Report PED14197, Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton), be closed.  
CARRIED

(Clark/Farr)
That the staff presentation be waived.  
CARRIED

Stephen Bernstein, legal consultant on behalf of the applicant, requested that the fees for the application be waived due to the history of the application.

(Ferguson/Pearson)
That the agent’s presentation be received.  
CARRIED

(Ferguson/Farr)
That the recommendations contained in Report PED14197, Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton), be amended by adding a new sub-section (d) to read as follows:

(d) That the application fee be reduced to reflect the 2011 fee for a routine rezoning application.  
Amendment CARRIED

For disposition on this Item, refer to item 5.

(iv) Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for the Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) (Item 6.4)

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 proposed 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.

(Whitehead/Pasuta)
That the public meeting respecting Report PED14198, Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for the Lands Located at 1605 Kirkwall Road, be closed.

CARRIED

(Pasuta/Whitehead)
That the staff presentation be waived.

CARRIED

For disposition on this Item, refer to item 6.

(v) Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough) (PED14225) (Ward 14) (Item 6.5)

(aa) Correspondence from John and Julie Richer

(bb) Correspondence from Sharon and Ken Richer

(cc) Correspondence from Robert and Angie Brain

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 proposed 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.
That the correspondence respecting Report PED14225, Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough), be received.

CARRIED

That the public meeting respecting Report PED14225, Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough), be closed.

CARRIED

That the staff presentation be waived.

CARRIED

For disposition on this Item, refer to item 7.

(vi) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton) (PED14158) (Ward 5) (Item 6.6)

That Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), be tabled.

CARRIED

That Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), be lifted from the table.

CARRIED

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 proposed 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.
Joe Muto, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Collins)
That the staff presentation be received.  
CARRIED

Public Speakers:

1. Karen Dick and Shawn Jones – 2787 King St. E., Hamilton, ON  
   L8G 1J3

   Mrs. Dick and Mr. Jones expressed concerns with the parking area and privacy.

(Pearson/Collins)
That the presentation be received.  
CARRIED

(Pasuta/Collins)
That the public meeting respecting Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), be closed.  
CARRIED

Nick Defilippis, on behalf of the applicant, addressed concerns with setbacks, parking leeway, privacy and requested that the required setbacks on the west property be amended from 2 metres.

(Collins/Pearson)
That the presentation be received.  
CARRIED

(Collins/Pearson)
That the recommendations contained in Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), be amended by adding new sub-sections (d) and (e) as follows:

(d) That Planning, Growth Management and Public Works staff be directed to work with the applicant to enter into the necessary agreements to implement the concept plan as shown on Appendices “C” and “D”.
(e) That Planning Division Staff, in conjunction with the Ward Councillors for Wards 5 and 10, be directed to ensure that as part of the Site Plan review process that enhanced landscaping is provided within the road allowance and along the neighbouring residential properties to the west and north of 2791 King Street East, and as part of the Site Plan review process coordinate with the Ward Councillor for opportunities for consultation with the adjacent property owners.

Amendment CARRIED

For disposition on this Item, refer to item 8.

(f) DISCUSSION ITEMS (Item 8)

(i) Hamilton Gateway Marquee Partnership (Ward 4 with City Wide Implications) (PW14093) (Item 8.1)

Glenn Gibson and Jeremy Kramer, Hamilton Tiger-Cats and KDA Associates, provided an overview of the application with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Collins/Pearson)
That the presentation be received.
CARRIED

For disposition on this Item, refer to item 9.

(ii) Sign Variance Application SV-14-007 for the Property Known as 900 Woodward Avenue, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant (PED14217) (Ward 4) (Item 8.2)

(Ferguson/Collins)
That the recommendations contained in report PED14217, Sign Variance Application SV-14-007 for the Property Known as 900 Woodward Avenue, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant, be deleted and replaced with the following recommendations:

(a) That the Appeal of Sign Variance Application SV-14-007 dated August 15, 2014, by Jeremy Kramer of Kramer Design Associates (KDA), to construct one Ground Sign to advertise Tim Horton’s Field, the Hamilton Tiger Cats and other events, for the property
located at 900 Woodward Avenue (Hamilton), as shown on Appendix “A” to Report PED14217, be approved.

(b) That the Mayor write to the Minister of Transportation indicating the City of Hamilton’s support for the sign variance.

Amendment CARRIED

For disposition on this Item, refer to item 10.

(iii) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as Permitted Uses in Rural Areas (PED14037(c)) (Wards 9, 11,12,14 and 15) (Item 8.3)

(aa) Correspondence from Ed Fothergill (on behalf of 381 Hwy 8, Dundas)

Joanne Hickey-Evans spoke to the changes in the report and to clerical errors that will be changed in the by-laws.

(Pasuta/Ferguson)
That the correspondence respecting Report PED14037(c) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as Permitted Uses in Rural Areas, be received.

CARRIED

Delegations:

1. Scott Snider, Turkstra Mazza, representing Farm Meds Limited

   Mr. Snider, on behalf Paul Bernier and David Varghese, expressed concerns on the proposed caps to the size of the buildings in the rural area as it is a down zoning and suggested monitoring sizes rather than restrict the size of the buildings.

2. Bill Panagiotakopoulos

   Mr. Panagiotakopoulos expressed concerns for the proposed caps to the size of the buildings as it limits competition and being small would not work for the future of this business. He also asked what the grandfathering rules are for this type of establishment.

(Pearson/Pasuta)
That the delegations be received.
(Partridge/Pasuta)
That recommendations (a), (b), (c) and (d) contained in Report PED14037(c) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, be received:

(a) That approval be given to City Initiative 14-B, for a general text amendment to Town of Ancaster Zoning By-law 87-57, to establish a definition for a medical marihuana growing and harvesting facility, to add this use to the list of agricultural uses, to establish appropriate regulations, and to prohibit it in certain zones in the urban area that permit some agricultural uses, on the following basis:

(i) That the Draft By-law, attached as Appendix “A” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP).

(b) That approval be given to City Initiative 14-B, for a general text amendment to Town of Flamborough Zoning By-law 90-145-Z, to establish a definition for a medical marihuana growing and harvesting facility, to add this use to the list of agricultural uses, to establish appropriate regulations and to prohibit it in certain zones that permit some agricultural uses, on the following basis:

(i) That the Draft By-law, attached as Appendix “B” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP).

(c) That approval be given to City Initiative 14-B, for a general text amendment to Township of Glanbrook Zoning By-law No. 464, to establish a definition for a medical marihuana growing and harvesting facility, to add this use to the list of agricultural uses, to establish appropriate regulations, to permit this use in the Rural Industrial Business Park “M6” Zone with appropriate regulations and to prohibit a medical marihuana growing and harvesting facility.
facility and an aquaponics facility in certain zones that permit some agricultural uses, on the following basis:

(i) That the Draft By-law, attached as Appendix “C” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP).

(d) That approval be given to City Initiative 14-B, for a general text amendment to City of Stoney Creek Zoning By-law No. 3692-92, to establish a definition for a medical marihuana growing and harvesting facility, to add a medical marihuana growing and harvesting facility and aquaponics uses to the list of agricultural uses, to establish appropriate regulations and to prohibit a medical marihuana growing and harvesting facility and an aquaponics facility in certain zones in the urban area that permit some agricultural uses, on the following basis:

(i) That the Draft By-law, attached as Appendix “D” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP).

The motion CARRIED on the following vote:

Total: 7
Nays: T. Whitehead
Total: 1
Absent: B. Clark
Total: 1

(Partridge/Pasuta)
That Recommendation (e) contained in Report PED14037(c) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, be deleted and replaced with the following:
(e) That staff be directed to consult on the definition of a medical marihuana growing and harvesting facility, including accessory laboratory facilities, and the associated regulations, including distance separation, for the proposed Zoning By-law No. 05-200 Agricultural (A1) and Agricultural (A2) Zones for the Rural area. Staff will continue to monitor these facilities and identify if any changes are required to the regulations as part of the proposed Agricultural zones.

Amendment CARRIED

For disposition on this Item, refer to item 11.

(iv) Barton-Tiffany Urban Design Study (PED14164) (Wards 1 and 2) (Item 8.4)

Julia van der Laan de Vries, Urban Designer, David Dow, Diamond Schmitt Architects, and Kevin Muir, GSP Group, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Farr/Collins)
That the presentations be received.

CARRIED

Delegations:

1. S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc.
   
   Mr. Kujavsky provided an overview of his experience with waterfront redevelopment and possible directions to consider for future use (ie. CN Rail Yard).

2. Sara Mayo, Social Planning and Research Council of Hamilton
   
   Ms. Mayo provided information respecting affordable housing.

3. John Vail
   
   Mr. Vail expressed concerns with the report coming forward before the municipal election due to new strategic directions.

4. Steve Rudaniecki
Mr. Rudaniecki expressed concerns with public health associated with the former developments on Central Park. He is concerned the changes will disturb the toxic waste in the area from the former use. He is also concerned with the compatibility of proposed developments.

(Farr/Pearson)
That the presentations be received.

CARRIED

For disposition on this Item, refer to item 12.

(g) MOTIONS (Item 9)

(i) Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road (Item 9.1)

WHEREAS this area has experienced major growth since 2003;

AND WHEREAS, there has been a significant increase in traffic and the Ward Councillor has received numerous concerns regarding pedestrian and vehicular safety;

AND WHEREAS, Council approved the Rymal Road East project from Dartnall Road to Fletcher as part of the 2013 budget;

AND WEREAS, the project was being tendered in two phases (Phase 1A from Dartnall Road to Upper Red Hill Valley Parkway and Phase 1B from Upper Red Hill Valley Parkway to Fletcher Road);

AND WHEREAS, Phase 1A tendered construction costs came in at higher than estimated costs and there are insufficient funds to tender Phase 1B works;

THEREFORE BE IT RESOLVED:

That the $9M shortfall to complete Phase 1B of the Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road project, be funded as follows, be approved:

(i) The growth related portion, in the amount of $7.38-million as per the City’s Development Charge Background Study from Road Development Charges;
(ii) The balance of the funding $1.62-million be funded from Account No. 23122-000100.

For disposition on this Item, refer to item 16.

(h) NOTICES OF MOTION (Item 10)

Councillor Johnson introduced the following Notice of Motion:

(i) **Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road (Item 10.1)**

WHEREAS this area has experienced major growth since 2003;

AND WHEREAS, there has been a significant increase in traffic and the Ward Councillor has received numerous concerns regarding pedestrian and vehicular safety;

AND WHEREAS, Council approved the Rymal Road East project from Dartnall Road to Fletcher as part of the 2013 budget;

AND WHEREAS, the project was being tendered in two phases (Phase 1A from Dartnall Road to Upper Red Hill Valley Parkway and Phase 1B from Upper Red Hill Valley Parkway to Fletcher Road);

AND WHEREAS, Phase 1A tendered construction costs came in at higher than estimated costs and there are insufficient funds to tender Phase 1B works;

THEREFORE BE IT RESOLVED:

That the $9M shortfall to complete Phase 1B of the Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road project, be funded as follows, be approved:

(i) The growth related portion, in the amount of $7.38-million as per the City’s Development Charge Background Study from Road Development Charges;

(ii) The balance of the funding $1.62-million be funded from Account No. 23122-000100.

(Whitehead/Collins)
That the rules be waived in order to introduce a motion respecting Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road.

CARRIED

For disposition on this Item, refer to item 16.

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

(i) Outstanding Business List Amendments (Item 11.1)

(Whitehead/Pearson)
That the following items be removed from the Outstanding Business List:

(aa) Item V: A Review of the Federal Marihuana for Medical Purposes Regulations (MMPR) - Planning and Building Implications for the City of Hamilton

(bb) Item MM: Proposal to Proceed with an OMB Appeal for Minor Variance Application, 55 Rymal Road East, Hamilton (PED14108) (Ward 7) (Item 5.2)

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(Pearson/Collins)
That the Planning Committee moved into Closed Session, at 4:27 p.m. for the discussion of Items 12.1 through to item 12.4, pursuant to Section 8.1, Subsections (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;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee moved into open session at 5:10 p.m.

(i) 172 & 178 Rymal Rd. W. and 1204 West 5th Street OMB Appeals RE: ZBA (ZAC-13-023) and Plan of Subdivision (25T-201305)
Owner: 2190557 Ontario Inc. and 2197925 Ontario Inc. (Sheldon's Gate) (LS14032/PED14173) (Item 12.1)
(Pearson/Pasuta)
That the recommendations contained in Report LS14032/PED14173, 172 & 178 Rymal Rd. W. and 1204 West 5th Street OMB Appeals RE: ZBA (ZAC-13-023) and Plan of Subdivision (25T-201305) Owner: 2190557 Ontario Inc. and 2197925 Ontario Inc. (Sheldon's Gate), be amended by adding a new sub-section (h), to read as follows:

(h) That staff be directed to amend condition #6 of the draft conditions so that the former condition is deleted and replaced with a condition that states:

“That prior to pre-grading, or servicing, the Owner prepare a detailed lot grading plan adjacent to regulated lands to the satisfaction of Hamilton Conservation Authority.”

Amendment CARRIED

For disposition on this Item, refer to item 17.

(ii) 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) (LS14034/PED14207) (Item 12.2)

For disposition on this Item, refer to item 18.

(iii) Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 620, 622, and 624 King Street West, 22 and 24 Dundurn Street North, and 41, 45, 47, 49, 55, and 59 Head Street (Hamilton) regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028, Site Plan Application DA-13:175, UHOP Official Plan Amendment 14-002, and the Strathcona Secondary Plan (Hamilton) (Ward 1) (LS14039/PED14228) (Item 12.3)

Delegation:

1. Matt Johnston, IBI Group

Mr. Johnston provided an overview of the concerns with respect to item 12.3, Shoppers Drug Mart - Appeals to the Ontario Municipal Board, with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Whitehead)
That the delegation be received.  

CARRIED

That Council support the revised development concept and to instruct the City Solicitor to advise the OMB that it allow the appeals and approve the Shoppers development application on the basis of the 2014 Further Revised Concept Plan.

That planning staff (in consultation with the ward Councillor), prepare the site plan

For disposition on this Item, refer to item 19.

(iv) Urban Hamilton Official Plan Proposed Settlements and Legal Direction (LS14037) (Item 12.4)

For disposition on this Item, refer to item 20.

(k) ADJOURNMENT

(Pearson/Pasuta)
That, there being no further business, the Planning Committee adjourn at 5:23 p.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk