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

Absent with Regrets: Councillor C. Collins - personal
Councillor J. Farr - personal

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Overview of Business Licensing Categories (PED14145) (City Wide) (Item 5.1)

(Pearson/Whitehead)
That Report PED 14145, Overview of Business Licensing Categories, be received.

CARRIED

2. Funding of External Consultants for Appeals Regarding 18-28 King St. E., Hamilton (Ward 2), 307 & 325 Fiddler's Green Rd., Ancaster (Ward 12), 231 York Rd., Dundas (Ward 13) and 24 McDonald Ct., Flamborough (Ward 15) (LS14025) (Item 5.2)

(Pearson/Clark)
(a) That respecting the appeal to the Conservation Review Board of 18-28 King St. E., Hamilton, that Council authorize that the amount required to retain external consultants be funded through the Capital Reserve – Former City of Hamilton 108035;
(b) That respecting the appeal to the Ontario Municipal Board of 307 and 325 Fiddler’s Green Rd., Ancaster, that Council authorize that the amount required to retain external consultants be funded through the Capital Reserve – Former City of Hamilton 108035;

(c) That respecting the appeal to the Ontario Municipal Board of 231 York Rd., Dundas, that Council authorize that the amount required to retain external consultants be funded through the Tax Stabilization Reserve 110046; and,

(d) That respecting the appeal to the Ontario Municipal Board of 24 McDonald Ct., Flamborough, that Council authorize that the amount required to retain external consultants be funded through the Tax Stabilization Reserve 110046.

CARRIED

3. Delegation from Joanne Turnell respecting the Wilson Street Farmer’s Market (Item 6.1)

(Ferguson/Clark)
That by-law enforcement be suspended with respect to the Wilson Street Farmer’s Market until the Farmer’s Market Zoning By-law Review is before Council.

CARRIED

4. Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek) (PED14112) (Ward 10) (item 6.2)

(Pearson/Whitehead)
(a) That approval be given to Official Plan Amendment Application UHOPA-14-007, by 1675367 Ontario Inc., Owner, for Amendment No. ___ to the Urban Hamilton Official Plan, for a change in designation on Map B.7.1.1 – Western Development Area Secondary Plan Land Use Plan, from “Low Density Residential 2b” to “Mixed Use – Medium Density”, in order to facilitate an amendment to the Urban Hamilton Official Plan (UHOP) and recognize the existing commercial plaza, on the lands located at 259-261 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED14112, on the following basis:

(i) That the draft Official Plan Amendment (OPA), attached as Appendix “B” to Report PED14112, be adopted by City Council;
(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

(b) That approval be given to Zoning Application ZAR-14-008, by 1675367 Ontario Inc., Owner, for a further modification to the General Commercial “GC-53” Zone, in order to permit a Financial Institution and an Animal Hospital only if wholly enclosed within a building, as additional permitted uses; and to decrease the parking stall size from 2.75m by 5.8m to 2.6m by 5.5m for a standard parking space and from 4.4m by 5.8m to 4.4m by 5.5m for a barrier free parking space, on lands located at 259-261 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED14112, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14112, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS); and,

(iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. _

(c) That approval be given to amend the Eastdale Neighbourhood Plan by re-designating the subject lands from “Low Density Residential” to “General Commercial” to accommodate the existing commercial plaza.

CARRIED

5. Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200 (PED14143) (Ward 11) (Item 6.4)

(Johnson/Pearson)

(a) That approval be given to Zoning Application ZAC-13-024 by 1778239 Ontario Inc., Owner, for a change in zoning from the Agricultural “A1” Zone to the Neighbourhood Institutional (I1, H53) Zone, to permit a day care facility, on lands located at 1910 Rymal Road East (Glanbrook), as shown on Appendix “A” to Report PED14143, on the following basis:

(i) That the Draft By-law, attached as Appendix “B” to Report PED14143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
(ii) That the Amending By-law, attached as Appendix “B” to Report PED14143, be added to Map No. 1594 of Zoning By-law No. 05-200;

(iii) That the Draft By-law, attached as Appendix “C” to Report PED14143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(iv) That the lands referred to in the amending By-law, attached as Appendix “C” to Report PED14143, be removed from Schedule “J” of By-law No. 464;

(v) That the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan, and the Rymal Road Secondary Plan.

(b) That a holding provision be implemented on occupancy until substantial completion of rural road widening to satisfaction of the Senior Manager of Growth Management.

(c) That the by-law be site specific and limited to daycare use only.

(d) That the Ward Councillor be included in the site plan process.

(e) That staff, Ward Councillor, the applicant and residents meet to mitigate issues stated in the public hearing including, but not limited to: buffering; garbage disposal; elevation; and storm water management.

CARRIED as Amended

6. Traffic Issues within the Boundaries of Dartnall, West 2nd, Rymal and Redhill/Linc

(Clark/Whitehead)
That the an urgent meeting be scheduled with General Manager of Planning, City Manager, department heads, legal staff, traffic staff, growth management staff, public works staff, emergency management services and Ward 6, 11 and 9 Councillors to address traffic issues compounded by pending developments within the boundaries of Dartnall to West 2nd, Rymal to the Redhill/Linc.

CARRIED
7. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook) (PED14135) (Ward 11) (Item 6.5)

(Clark/Ferguson)
That Report PED14135 respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook) be tabled to the August 15 meeting of Council.

CARRIED

8. Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9) (Item 6.7)

(Clark/Whitehead)
(a) That approval be given to revised Zoning Application ZAC-09-007 by Empire Communities, Owners, for changes in zoning from the Neighbourhood Development “ND” Zone to the: Multiple Residential “RM2-40” Zone, Modified (Blocks 1, 3, 7 and 14); Multiple Residential “RM2-41” Zone, Modified (Blocks 2 and 4); Single Residential “R4-31” Zone, Modified (Blocks 5 and 10); Single Residential (Holding) “R4-31(H1)” Zone, Modified (Block 11); Single Residential (Holding) “R4-31(H1, H2)” Zone, Modified (Blocks 6 and 12); Multiple Residential (Holding) “RM2-40(H1)” Zone, Modified (Blocks 8 and 15); Multiple Residential (Holding) “RM2-40(H1, H2)” Zone, Modified (Block 13); Multiple Residential (Holding) “RM2-41(H)” Zone, Modified (Block 9); Local Commercial (Holding) “LC(H1)” Zone (Block 16); and, Local Commercial (Holding) “LC(H2)” Zone (Block 17), as shown on Appendix “A” to Report PED14138, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED14138, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 11 of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan.

(b) That approval be given to revised Draft Plan of Subdivision Application 25T-200901 by Empire Communities, Owners, to establish a draft plan of subdivision known as “Red Hill Developments – Phase 1”, on lands located within Part of Lot 26, Concession 5 (Saltfleet), municipally known
as 420 First Road West, in the former City of Stoney Creek, as shown on Appendix “A” to Report PED14138, subject to the following conditions:

(i) That this approval apply to “Red Hill Developments – Phase 1”, 25T-200901, prepared by Armstrong Planning & Project Management, and certified by Bryan Jacobs, O.L.S., dated February 26, 2014, showing a maximum of 302 units comprised of: 14 blocks for up to 121 single detached dwellings (Blocks 1-14); 19 blocks for up to 124 townhouse units (Blocks 15-33); two blocks for up to 25 rear garage townhouse units (Blocks 34 and 35); one block for local commercial purposes (Block 38), one block for a walkway (Block 43); two blocks for road widening purposes (Blocks 39 and 40); three blocks for future residential (Block 36 for nine rear garage townhouse units, Block 37 for 21 townhouse units and Block 44 for two single detached dwellings); two blocks for 0.3 m reserves (Blocks 41 and 42); one block for a temporary turning circle (Block 45); and, the creation of eight public roads (Streets “A”, “B”, “C”, “D”, “E”, “F”, “G” and “H”), attached as Appendix “C” to Report PED14138, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D” to Report PED14138;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item;

(1) Oversizing of the trunk watermain and deep trunk sanitary sewer; and,

(2) Oversizing of First Road West and Green Mountain Road;

In accordance with the City’s Financial Policies for Development and the Development Charges Background Study.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council, as follows:
(1) With regard to Blocks 15-37 (Street Townhouses), will require a parkland dedication, at a ratio of 0.6 ha per 300 dwellings units.

(2) Additionally, Blocks 1-14 (Single Detached Residential) will require a parkland dedication ratio of 5%.

(3) Lastly, Block 38 (Local Commercial) will require a parkland dedication ratio of 2%.

(4) The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of parkland from the registration of the “Red Hill Phase 2” Draft Plan of Subdivision (25T-201301).

CARRIED

9. Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide) (Item 6.9)

(Whitehead/Pearson)

(a) That Schedule 25 (Taxicabs) of Licensing By-law 07-170 be amended as follows:

(i) To allow a taxicab owner licence to be issued for more or less than a year (and the fee to be pro-rated accordingly);

(ii) To extend the six model years age restriction to seven model years, for hybrid vehicles;

(iii) To extend the six model year age restriction for accessible taxi cabs to ten model years provided that the taxicab is no more than two model years old when initially licensed as a taxicab;

(iv) To require the on-board camera system to be operable at all times while the taxicab is in service;

(v) To require a certificate, from the manufacturer or manufacturer's authorized agent verifying a camera system is operable, be provided at the request of the Issuer of Licences;

(vi) To require that all taxicabs have snow tires from December 15 to March 15;
(vii) To require that taxicab drivers perform an exterior inspection check of the taxicab (circle check) prior to use to ensure compliance of the taxicab with the Licensing By-law;

(b) That the proposed amending By-law, attached as Appendix “A” to Report PED14144, as revised, which amends Schedule 25 (Taxi Cabs) of the Licencing By-law 07-170 as set out in Recommendation (a) of Report PED14144 and is in a form satisfactory to the City Solicitor, be enacted.

CARRIED as Amended

10. Hamilton Municipal Heritage Committee Report 14-005 (Item 8.1)

(Whitehead/Pearson)

(a) Recommendation to Designate 52 and 56 Charlton Avenue West, Hamilton (Charlton Hall) Under Part IV of the Ontario Heritage Act (Ward 2) (Item 1)

That 52 and 56 Charlton Avenue West, Hamilton, known as Charlton Hall, be designated under Part IV of the Ontario Heritage Act.

(b) Inventory and Research Sub-Committee Report – April 28, 2014 (Item 2)

(i) King George School, 77 Gage Avenue, Hamilton

That staff be directed to conduct a cultural heritage assessment of King George School for purposes of designation under Part IV of the Ontario Heritage Act.

(ii) 64 Charlton Avenue West, Hamilton

Whereas 64 Charlton Avenue West, Hamilton, is comprised of one part of a semi-detached building adjoining 56 Charlton Avenue West, which is recommended for designation under Part IV of the Ontario Heritage Act;

And Whereas 64 Charlton Avenue West, Hamilton, is listed in the City of Hamilton Inventory of Buildings of Architectural and/or Historical Interest;

Therefore Be It Resolved:
That 64 Charlton Avenue West, Hamilton, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

(iii) 33 Sanford Avenue South, Hamilton

Whereas 33 Sanford Avenue South, Hamilton, is comprised of a former industrial one-storey brick building constructed circa 1905 and is believed to be of cultural heritage value or interest;

Therefore Be It Resolved:

That 33 Sanford Avenue South, Hamilton, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

(iv) 1019 Wilson Street West, Ancaster

Whereas 1019 Wilson Street West, Ancaster, is comprised of a one-and-one-half storey nineteenth-century stone and brick dwelling and is believed to be of cultural value or interest;

Therefore Be It Resolved:

That 1019 Wilson Street West, Ancaster, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

(v) 501 Upper Sherman Avenue, Hamilton

Whereas 501 Upper Sherman Avenue, Hamilton, is a one-and-one-half-storey nineteenth-century stone dwelling listed in the City of Hamilton Inventory of Buildings of Architectural and/or Historical Interest and is believed to be of cultural heritage value or interest.

That 501 Upper Sherman Avenue, Hamilton, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

(c) 18-22 King Street East, Hamilton – (L)(R) and 24-28 King Street East, Hamilton – (L) (Item 4)

That staff be directed to release the consultant report respecting 18-22 and 24-28 King Street East, Hamilton.

CARRIED as Amended
11. Hamilton Municipal Heritage Committee Report 14-007 (Item 8.2)

(Clarke/Pearson)

(a) Letters to Ontario Heritage Trust and Infrastructure Ontario respecting Century Manor (Item 1)

That the letters attached as Appendix A & B to HMHC Report 14-007 respecting concerns of the state of Century Manor, 100 West 5th Street, Hamilton, be approved.

(b) Heritage Permit Application HP2014-015, Under Part V of the Ontario Heritage Act, for Erection of a Structure at 978 Beach Boulevard, Hamilton (Item 2)

That Heritage Permit Application HP2014-015 be approved for the erection of a new single-detached dwelling, with an attached garage, on the designated property at 978 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), subject to the submission of a completed site plan and the following conditions:

(i) That the specifications for the proposed windows, front garage door, porch, railings, soffits, eaves and downspouts shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(ii) 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;

(iii) 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;

(iv) That a plan depicting the planting of any new trees shall be submitted, to the satisfaction and approval of Planning staff, prior to planting.

(c) Purchase of Bookmarks for Binbrook Memorial Hall (Item 3)

That the purchase of 500 bookmarks for the Binbrook Memorial Hall, utilizing funds from the Publishing Account – Poster Fund, be authorized.

CARRIED
12. Redevelopment in Ancaster “ER-Zone” Neighbourhoods (Ancaster) (PED14132) (Ward 12) (Item 8.3)

(Ferguson/Clark)
That Report PED14132, Redevelopment in Ancaster “ER Zone” Neighbourhoods be received.

CARRIED

13. Staging of Development Plan (2014 to 2016) (PED14139) (City Wide) (Item 8.4)

(Clark/Partridge)
That Report PED14139, Staging of Development Plan (2014 to 2016), be received.

CARRIED

14. OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City’ Court Application (LS14027/PED14142) (Item 12.2)

(Partridge/Pearson)
(a) That the recommendations remain confidential until Council approval;
(b) That the Minutes of Settlement remain confidential until signing.

CARRIED

15. Urban Hamilton Official Plan: Proposed Settlement of Paletta International Corporation’s Appeals and Legal Direction (LS14023/PED14133) (Item 12.3)

(Partridge/Clark)
(a) That the recommendations remain confidential until Council approval;
(b) That the Minutes of Settlement remain confidential until signing.

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. PUBLIC HEARING ITEMS

   6.2 Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek) (PED14112) (Ward 10)

       (i) Correspondence from Meridian Credit Union

   6.5 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook) (PED14135) (Ward 11)

       (i) Correspondence from Jack Restivo on behalf of Sonoma Homes Inc.
       (ii) Correspondence from Bob and Jackie Brown
       (iii) Correspondence from John Scime

   6.7 Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9)

       (i) Correspondence from Hamilton Teleport

(Ferguson/Pearson)

That the Agenda for the July 8, 2014 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest in Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide) (Item 6.9) as he is involved in the taxi cab industry.

Councillor Ferguson declared an interest in Overview of Business Licensing Categories (PED14145) (City Wide) (Item 5.1) as he is a member of a private club.
Councillor Clark declared an interest in Application for Amendment to City of Hamilton Zoning By-law No. 6593 and Vacant Land Condominium for Lands Located at 1187-1201 Upper James Street (Hamilton) (PED14137) (Ward 7) (Item 6.3) as his election campaign team is in negotiation for use of office space at the subject property.

(c) APPROVAL OF MINUTES (Item 3)

(i) June 17, 2014

(Pearson/Partridge)
That the Minutes of the June 17, 2014 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Giordano Lucio Fimognari respecting Medical Marihuana Zoning Limitations for a future meeting (Item 4.1)

(Pearson/Partridge)
That the delegation request from Giordano Lucio Fimognari respecting Medical Marihuana Zoning Limitations, be approved for a future meeting.

CARRIED

(ii) Delegation Request from Victor Veri respecting the proposed woodlands by-law for a future meeting (Item 4.2)

(Pearson/Partridge)
That the delegation request from Victor Veri respecting the proposed woodlands by-law, be approved for a future meeting.

CARRIED

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Joanne Turnell respecting the Wilson Street Farmer’s Market (Item 6.1)
Ms. Turnell provided an overview of her concerns with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

(Ferguson/Pearson)
That the presentation from Joanne Turnell respecting the Wilson Street Farmer’s Market, be received.
CARRIED

(Ferguson/Clark)
That the information and presentation be referred to staff for the report back to the Planning Committee on the Farmer’s Market Zoning;
CARRIED

For disposition on this Item, refer to item 3.

(ii) Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek) (PED14112) (Ward 10) (item 6.2)

(i) Correspondence from Meridian Credit Union

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 official plan and 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.

Robert Clackett, 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/Clark)
That the staff presentation be received.
CARRIED

Nick Di Fillipis, agent, expressed that the applicant is in the agreement with the staff recommendations.
(Pearson/Pasuta)
That the agent's presentation be received.

CARRIED

Public Speakers:

1. Scott Murray – 264 Hwy 8, Stoney Creek, ON L6M 3M4

   Mr. Murray expressed concerns with parking

(Pearson/Pasuta)
That the public's presentation be received.

CARRIED

(Pearson/Clark)
That the correspondence respecting PED14112, Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek), be received.

CARRIED

(Pearson/Clark)
That the public meeting respecting PED14112, Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek), be closed.

CARRIED

For disposition on this Item, refer to item 4.

(iii) Application for Amendment to City of Hamilton Zoning By-law No. 6593 and Vacant Land Condominium for Lands Located at 1187-1201 Upper James Street (Hamilton) (PED14137) (Ward 7) (Item 6.3)

(Whitehead/Ferguson)
That Report PED14137, Application for Amendment to City of Hamilton Zoning By-law No. 6593 and Vacant Land Condominium for Lands Located at 1187-1201 Upper James Street (Hamilton), be tabled to the August 12, 2014 meeting of the Planning Committee.

CARRIED
Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200 (PED14143) (Ward 11) (Item 6.4)

In accordance with the provision of the Planning Act, 1st Vice-Chair J. Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the 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.

Peter De Iulio, Senior Project Manager, 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.

(Johnson/Pearson)
That the staff presentation be received.

CARRIED

Steven Fraser, on behalf of the applicant, expressed that the applicant is in agreement with the staff recommendations.

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

CARRIED

Public Speakers:

1. M. Nafekh – 16 Enclave Pl., Hannon, ON L0R 1P0

   Mr. Nafekh expressed concerns with the facility including safety, noise levels and impact on the community. Concerns also extend to size and location of the garbage, and removal of mature trees.

2. Loris Gazzola – 91 Bocelli Cr. Hannon, ON L0R 1P0

   Mr. Gazzola expressed concerns with the storm water ponds and the elevations of the three properties, the removal of the current privacy fence.

3. Sebastian Sliwka – 8 Enclave Pl., Hannon, ON L0R 1P0
Mr. Sliwka expressed concerns with the removal of the mature trees and he would like a barrier or mature trees between his yard and the playground

4. Shahzad Maliu – 12 Enclave Pl., Hannon, ON L0R 1P0

Mr. Maliu expressed concerns with the garbage location.

(Johnson/Pearson)
That the public presentations, be received.

CARRIED

(Pearson/Johnson)
That the public meeting respecting Report PED14143, Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200, be closed.

CARRIED

(Clark/Johnson)
That the recommendations contained in Report PED14143, Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200, be amended by adding a new sub-section (b), as follows:

(b) That a holding provision be implemented on occupancy until substantial completion of rural road widening to satisfaction of the Senior Manager of Growth Management.

Amendment CARRIED

(Johnson/Pearson)
That the recommendations contained in Report PED14143, Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200, be amended by adding new sub-sections (c), (d) and (e), as follows:

(c) That the by-law be site specific and limited to daycare use only.

(d) That the Ward Councillor be included in the site plan process.

(e) That staff, Ward Councillor, the applicant and residents meet to mitigate issues stated in the public hearing including, but not limited to: buffering; garbage disposal; elevation; and storm water management.

Amendment CARRIED

For disposition on this Item, refer to item 5.
Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook) (PED14135) (Ward 11) (Item 6.5)

(i) Correspondence from Jack Restivo on behalf of Sonoma Homes Inc.
(ii) Correspondence from Bob and Jackie Brown
(iii) Correspondence from John Scime

In accordance with the provision of the Planning Act, 1st Vice-Chair J. Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed official plan and 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.

Greg Macdonald, 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/Ferguson)
That the staff presentation be received.

CARRIED

Caroline Baker, GSP Group, on behalf of the applicant, expressed that the applicant is in agreement with the staff recommendations.

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

CARRIED

Public Speakers:

1. Fran Borsellino – 35 Kopperfield Lane, Hamilton ON L0R 1W0
   
   Ms. Borsellino expressed concerns with parking and indicated that many of her concerns were addressed.

2. Sid McKay – 29 Bellstone Lane, Hamilton, ON L0R 1W0
   
   Mr. McKay expressed concerns to modifications to the application.
3. Margaret McKay – 29 Bellstone Lane, Hamilton, ON L0R 1W0

Ms. McKay expressed concerns with parking and traffic.

4. Sharon Palloway – 31 Bellstone Lane, Hamilton, ON L0R 1W0

Ms. Palloway expressed that she does not approve of maisonettes and is concerned about parking

(Pearson/Johnson)
That the public presentations, be received. CARRIED

(Ferguson/Clark)
That the public meeting respecting Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), be closed. CARRIED

(Johnson/Ferguson)
That the correspondence respecting Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), be received. CARRIED

(Johnson/Ferguson)
Table Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), be tabled to the August 12, 2014 Planning Committee meeting for further community consultation.

The motion was DEFEATED on the following vote:

Yeas:  B. Johnson, J. Partridge, L. Ferguson
Total:  3
Nays:  B. Clark, M. Pearson, T. Whitehead
Total:  3
Absent: C. Collins, J. Farr, R. Pasuta
Total:  3

(Johnson/Ferguson)
That the recommendations respecting Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), be amended by adding a new sub-section (c), as follows:
(c) That the Ward Councillor and applicant hold a community meeting to consult further with the public to mitigate concerns.

CARRIED

(Clerk/Ferguson)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-12-009 by Urbancore - New Horizon (Kopperfield) Developments Inc., (Owners), for a change in designation on Map B.5.3-1 – North-West Glanbrook Secondary Plan, from “Low Density Residential 2” to “Low Density Residential 2c” with a Site Specific Policy to permit increased density, in order to permit the development of street townhouses, block townhouses and maisonettes, for lands located at 365 Glancaster Road (Glanbrook), as shown on Appendix “A” to Report PED14135, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14135, be adopted by City Council.

(b) That approval be given to Zoning By-law Application ZAC-12-024 by Urbancore-New Horizon (Kopperfield) Developments Inc., (Owners) for a change in zoning from the Existing Residential “ER” Zone to the Residential Multiple “RM2-283” Zone (Block 1) and the Residential Multiple “RM3-284” Zone (Block 2), in order to permit street townhouses, block townhouses and maisonettes on the subject lands located at 365 Glancaster Road (Glanbrook), as shown on Appendix “A” to Report PED14135, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No.

(c) That the Ward Councillor and applicant hold a community meeting to consult further with the public to mitigate concerns.
The motion, as amended, CARRIED on the following vote:

Yeas:  J. Partridge, L. Ferguson, B. Clark, M. Pearson, T. Whitehead
Total:  5
Nays:  B. Johnson
Total:  1
Absent: C. Collins, J. Farr, R. Pasuta
Total:  3

For disposition on this Item, refer to item 7.

(vi) Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for Lands Known as 228 Seneca Avenue, Glanbrook (PED14146) (Ward 11) (Item 6.6)

(Ferguson/Whitehead)
That Report PED14146, Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for Lands Known as 228 Seneca Avenue, Glanbrook, be tabled to the August 12, 2014 meeting of the Planning Committee.

CARRIED

(Ferguson/Whitehead)
That staff be directed to re-issue public meeting notices to all residents within 120 m of the subject lands.

CARRIED

(vii) Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9) (Item 6.7)

(i) Correspondence from Hamilton Teleport

In accordance with the provision of the Planning Act, 1st Vice-Chair J. Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed draft plan and 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.
(Clark/Ferguson)
That the staff presentation be waived.  

CARRIED

Steven Armstrong, agent, expressed that the applicant is in the agreement with the staff recommendations.

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

CARRIED

Public Speakers:


   Expressed concerns with the previous application and conditions not being met as well as road widening.

(Whitehead/Pearson)
That the public presentations, be received.

CARRIED

(Whitehead/Ferguson)
That the public meeting respecting Report PED14138, Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek), be closed.

CARRIED

Steven Armstrong, agent, provided clarification of concerns.

Amendments will be at Council.

For disposition on this Item, refer to item 8.

(viii) Amendments to Licensing By-law, Schedule 3 (Bed and Breakfast, Hotels and Motels) (PED10075(c)) (City Wide) (Item 6.8)

No public speakers came forward.
(Ferguson/Whitehead)
That the public meeting respecting Report PED10075(c), Amendments to Licensing By-law, Schedule 3 (Bed and Breakfast, Hotels and Motels), be closed.

CARRIED

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

CARRIED

(Clark/Ferguson)
(a) That Report PED10075(c), Amendments to Licensing By-law, Schedule 3 (Bed and Breakfast, Hotels and Motels), be referred back to staff for consultation;

(b) That staff provide a summary of all fees for the next report.

CARRIED

(ix) Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide) (Item 6.9)

Registered Speakers:

1. Steve Jones

   Mr. Jones expressed more consultation would be of benefit and outlined concerns with certain points.

2. Ali Naimpoor

   Mr. Naimpoor expressed concerns for the removal of the requirement that the plate owner is a licensed taxi driver.

(Clark/Pearson)
That the public presentations, be received.

CARRIED

(Whitehead/Pearson)
That the public meeting respecting Report PED14144, Amendments to Licensing By-law, Schedule 25 – Taxicabs, be closed.

CARRIED

(Whitehead/Pearson)
That recommendation (a)(viii) be referred back to staff for further consultation, as follows:
(a)(viii) To require that a taxicab owner hold a valid taxicab driver’s license only if he or she drives a taxicab.

Amendment CARRIED

For disposition on this Item, refer to item 9.

(f) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Report 14-005 (Item 8.1)

(Whitehead/Pearson)
That Item 3 to Hamilton Municipal Heritage Committee Report 14-005, be referred back to staff for further consultation.

3. Policy and Design Sub-Committee Report – April 9, 2014 (Item 8.5)

(i) Heritage Impact Assessment (HIA/Archaeological Assessments for Lafarge Quarry Expansion)

(a) That the Policy and Design Sub-committee comments be provided to the proponent and staff, and that the Heritage Impact Assessment be amended as appropriate; and

(b) That 565 Moxley Road be added to the Municipal Register.

Amendment CARRIED

(Whitehead/Pearson)
That Item 4 to Hamilton Municipal Heritage Committee Report 14-005, be amended by deleting the words, “seek to” and “and if unable to release report, that staff complete an executive summary of the report”, to read as follows:

4. 18-22 King Street East, Hamilton – (L)(R) and 24-28 King Street East, Hamilton – (L) (Item 4)

That staff be directed to release the consultant report respecting 18-22 and 24-28 King Street East, Hamilton.

Amendment CARRIED

For disposition on this Item, refer to item 10.
(ii) Redevelopment in Ancaster “ER-Zone” Neighbourhoods (Ancaster) (PED14132) (Ward 12) (Item 8.3)

(Ferguson/Clark)
That staff be directed to work with the Ward Councillor to undertake consultation with the neighbourhoods regarding options for addressing redevelopment issues as described in Appendix “B” and any potential changes to the zoning by-law.

CARRIED

For disposition on this Item, refer to item 12.

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

(i) Outstanding Business List Amendments (Item 11.1)

(Pearson/Partridge)
That the following Outstanding Business List due dates be revised:

(aa) Item K: Fifty Road
    Current Due Date: July 8, 2014
    Proposed Due Date: August 12, 2014

(bb) Item Y: Application for Approval of Waste Disposal Sites Amend ECA No. A130407 Hamilton – MOE Reference 9153-9CXKQH
    Current Due Date: July 8, 2014
    Proposed Due Date: September 3, 2014

(cc) Item AA: Milkweed and Dog Strangling Vine (EBR Registry Number 012-1204)
    Current Due Date: July 8, 2014
    Proposed Due Date: September 16, 2014

CARRIED

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

(aa) Item V: E-mail correspondence from Mathieu Lonelier, Executive Officer, Hamilton-Haltom Home Builders’ Association, with attachments, respecting word change request regarding the Community Mail Boxes (CMBs) in New Developments (at the last Planning meeting)

CARRIED
(h) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – June 17, 2014

(Ferguson/Pearson)

(a) That the Closed Session Minutes of the June 17, 2014 meeting of the Planning Committee be approved, as presented.

(b) That the Closed Session Minutes of the June 17, 2014 meeting of the Planning Committee, remain confidential and restricted from public disclosure.

CARRIED

(ii) OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City’ Court Application (LS14027/PED14142) (Item 12.2)

For disposition on this Item, refer to item 14.

(iii) Urban Hamilton Official Plan: Proposed Settlement of Paletta International Corporation’s Appeals and Legal Direction (LS14023/PED14133) (Item 12.3)

For disposition on this Item, refer to item 15.

The motion CARRIED on the following vote:

Yeas: J. Partridge, L. Ferguson, B. Clark, M. Pearson, B. Johnson
Total: 5
Nays: T. Whitehead
Total: 1
Absent: C. Collins, J. Farr, R. Pasuta
Total: 3
(i) ADJOURNMENT

(Pearson/Clark)
That, there being no further business, the Planning Committee adjourn at 5:00 p.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk