Planning and Economic Development Committee
REPORT 05-024
November 1, 2005
9:30 a.m.
Council Chambers
Hamilton City Hall

Present: Chair T. Whitehead
1st Vice-Chair M. Pearson
2nd Vice-Chair D. Mitchell
Councillors: B. Bratina, M. Ferguson, B. Kelly, S. Merulla,
B. McHattie

Also Present: Councillor M. McCarthy

Staff Present: G. Peace – City Manager
L. Coveyduck, General Manager, Planning and Development
T. McCabe, T. Sergi, H. Travis, J. Hickey-Evans, B. Farkas,
G. Macdonald, S. Holiday - Planning and Development
S. Renshaw – Economic Development
A. Zuidema - Legal
A. Rawlings – City Clerk’s Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS
REPORT 05-024 AND RESPECTFULLY RECOMMENDS:

1. Change Construction Inspections/Coordinator Positions from Temporary to
   Permanent Employee Status (PED05146) (City Wide) (Item 5.1)

   (a) That approval be given to change the employee status of two Construction
       Inspections/Coordinator positions from temporary status (for a period of up to two
       years), to permanent full time positions.

   (b) That the two positions be continued to be funded through, firstly, the
       Development Fee Stabilization Reserve, and secondly, as applicable, through
       cost recoveries from budgeted capital projects by providing inspection services to
       client departments.

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2. Establishment of a Right to Enter By-law for Property Maintenance Purposes within Areas Affected by the Downtown Zoning By-law No. 05-200 (PED05165) (Ward 2) (Item 5.2)

(a) That Council enact a by-law pursuant to Section 132 of the Municipal Act so as to grant reasonable access to private property for the maintenance of property within the area affected by the new Downtown Zoning By-law No. 05-200.

(b) That the by-law attached to Report PED05165 be forwarded to Council for adoption.

3. Hamilton Goods Movement Study – Cost Implications of Implementation (Item 5.3)

That The Hamilton Goods Movement Study - Cost Implications of Implementation Report (PED05164/PW051240) be received for information

4. Hamilton Goods Movement Study - Rail Access To The Hamilton Airport, Downtown and Hamilton Port (Item 5.4)

That Hamilton Goods Movement Study - Rail Access to the Hamilton Airport, Downtown and Hamilton Port (PED05163/PW05119) be received for information

5. Hamilton LACAC (Municipal Advisory Committee) Meeting of August 25, 2005 (Item 5.5)

That the Minutes of the Hamilton LACAC (Municipal Advisory Committee) Meeting of August 25, 2005 be received.

6. Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) (Item 6.1)

(a) That approval be given to Subdivision Application 25T-200516, by 1655036 Ontario Inc., c/o Jeffrey Paikin, applicant, to establish a draft plan of subdivision known as "New Horizon Business Park", 1279 Rymal Road East (Hamilton), as shown on Appendix "B" to Report PED05161, subject to the execution of a City Standard Form Subdivision Agreement, including the
conditions contained in Appendix “C” to Report PED05161, and acknowledgment that there will be no City share for any municipal works related to this development, in accordance with the Financial Policies for Development, as approved by Council.

(b) That the proposed draft plan of subdivision is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Hamilton.

(c) That upon registration of the Subdivision Agreement, the East Mountain Industrial – Business Park Neighbourhood Plan be amended to reflect the addition of the extension of Ditton Drive between Hempstead Drive and Lancing Drive.


That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that, should the Ministry approve the application CA-05-01, Safety-Kleen Canada, applicant, for an Amendment to an existing Provisional Certificate of Approval for a Waste Disposal Site to permit the storage of additional waste classes within an existing facility at 1574 Wilson Street West (Units 1, 2 & 3), as shown on Appendix “A” to Report PED05158, the City of Hamilton requests the following to be undertaken:

(a) That prior to granting the proposed amendment to the MOE Certificate of Approval, the proponent be required to provide written confirmation from the City of Hamilton Chief Fire Official indicating that:

(i) the premises comply with Part 4 of the Ontario Fire Code.

(ii) the location of the fire extinguisher for Bay 2 be appropriately located.

(iii) the Fire Safety Plan prepared be in conformance with Section 2.8.2 of the Ontario Fire Code.

(b) That the amendment to the Certificate of Approval includes provision of a maximum amount of waste stored of 169,740 litres, including solid non-hazardous waste at this facility.

(c) That the amended Provisional Certificate of Approval includes a requirement that a Ministry of Environment staff person be identified as the contact for all issues and complaints regarding the subject property.

(d) That all other conditions and requirements of the Certificate of Approval remain.
(e) That a copy of Report PED05158 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(f) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the City Clerk, City of Hamilton.

8. Ancaster Industrial Business Park Storm Water Pond #2 Enhancements (PED05173/PW05131/FCS05120) (Ward 12) (Item 8.2)

(a) That the appropriation for Capital Budget Project ID 3620507102 be increased by $1.05 million, funded from the Development Charge Reserve #110304 in the amount of $735,000, and Development Charge Reserve #110305 in the amount of $315,000.

(b) That the contract listed below be awarded on a unit price basis in accordance with the specifications issued by the General Manager, Public Works Department, and that the works associated with this award be charged to the Capital Budget accounts as outlined on the attached Schedule A – Tender Information Summary.

   PW-05-46(S)
   Ancaster Industrial Park, Stormwater Management Pond and Associated Works
   Anders Contracting, (Hagersville, Ontario)
   $2,011,167.00 (includes $150,000.00 contingency and $131,571.72 G.S.T.)

9. Installation of sidewalks on Raiano Drive (Item 9.1)

That in response to a request from the affected residents, that the sidewalks on Raiano Crescent be completed, as soon as possible, by the construction of the sidewalks adjacent to Lots 1, 2 and 3, Plan 62M 997, all at no cost to the City

10. Stoney Creek Urban Boundary Expansion

(a) That the City settle the appeals of the Ministry of Municipal Affairs respecting Regional Municipality of Hamilton-Wentworth Official Plan Amendment (ROPA) No. 14 and City of Stoney Creek Official Plan Amendment (OPA) No. 99 by
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asking the Ontario Municipal Board to exclude from the proposed urban expansion area, those lands that are contained within the Greenbelt.

(b) That an appropriate press release be made.

11. Flamborough Power Centre

That the City agrees to support, before the Ontario Municipal Board, amended zoning provisions and official plan policy revisions to effect a settlement of appeals between Flamborough Power Centre, the Flamborough Chamber of Commerce and the Waterdown BIA.

12. Proposed Hess Street Task Force (Added Item 9.4)

(a) That a Hess Village Task Force be established to identify issues related to Hess Village as an entertainment area, including festivals, and recommend appropriate action and strategies to rectify the issues to Committee and Council.

(b) That the Task Force provide regular progress reports to PEDC and present its plan of action in Q1 2006

That the Membership shall comprise:

- Ward Councillor
- Two Hess Village bar owner/operator representatives
- Two Community representatives
- Supporting Staff from Police Services, Standards and Licensing, Culture and Recreation, Hamilton Municipal Parking System, City Clerks, as required.

And that, as per the requirements of the Procedural By-law, the proposal for the Hess Street Task Force be referred to the General Managers of Planning and Development and the General Manager of Public Health and Community Services for a report back to Committee, as set out in Appendix I subsection (b)

13. Application for a Change in Zoning for Lands Located at 121 Fiddler’s Green Road (Ancaster) (PED05145) (Ward 12)

That approval be given to Zoning Application ZAR-05-43, 1340791 Ontario Limited (Gabe Gasbarrini), owner, for a change in zoning from the Residential Multiple “RM3-459” Zone to the Existing Residential “ER-538” Zone to recognize the existing single
family dwelling (Block 1), and from the Residential Multiple “RM3-459” Zone to the Existing Residential “ER-539” and “ER-540” Zones to permit 2 additional single detached dwellings on flag-shaped lots (Blocks 2 and 3), for the lands located at 121 Fiddler’s Green Road (Ancaster), as shown on Appendix "A" to Report PED05145, on the following basis:

(a) That Block 1 be rezoned from Residential Multiple “RM3-459” Zone to Existing Residential “ER-538” Zone;

(b) That Block 2 be rezoned from Residential Multiple “RM3-459” Zone to Existing Residential “ER-539” Zone;

(c) That Block 3 be rezoned from Residential Multiple “RM3-459” Zone to Existing Residential “ER-540” Zone;

(d) That the Draft By-law, attached as Appendix “D” to Report PED05145, as amended by Committee at their meeting of November 1, 2005, regarding landscaping and driveway details, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council; and,

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

At the start of the meeting, the Clerk advised of the following additions to the Agenda:

- One delegation request,;

  Elizabeth Manganelli Hamilton Health Sciences, request to appear as a delegation when the item regarding 191 Barton Street East's Heritage Designation is on the agenda

- Two In-Camera items, both related to matters before a Board or Tribunal, as Items 12.1 and 12.2

- 121 Fiddler’s Green Road, PED05145, tabled at the meeting of October 18, 2005, added at the request of the Ward Councillor, as the concerns of the public have been resolved

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Committee approved the delegation request and the amendments to the Agenda.

(b) **Declarations of Interest**

None

(c) **Chair**

During the course of the meeting, Chair Whitehead relinquished the Chair on several occasions to First Vice Chair Pearson in order to join in the debate and to request additional information from staff and the public.

(d) **Application for a Change in Zoning for Lands Located at 121 Fiddler’s Green Road (Ancaster) (PED05145) (Ward 12)**

Councillor Ferguson noted that the concerns raised by neighbours at the last meeting had been addressed.

Heather Travis explained that discussions had been held between the parties which had resulted in amendments to the proposed by-law, respecting the landscaping along the south side of the property and the driveway arrangements.

Committee approved the staff recommendation with the amendments to the by-law.

(e) **Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) (Item 6.1)**

A Public Meeting was held.

Chair Whitehead advised the meeting that as per the Planning Act, the Ontario Municipal board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Greg Macdonald outlined the report to Committee.
No members of the public came forward to address Committee on this matter.

The applicant’s agent, Scott Llewellyn, advised that he supported the staff recommendation.

Committee discussed the matter and had additional information supplied by staff and by the owner, Jeff Paikin.

Sylvia Renshaw explained the demand for industrial lots and the owner noted that the majority of lots were already spoken for.

Committee approved the staff recommendation.

(f) Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site) Ministry of Environment Reference #0974-67NNF2, Safety-Kleen Canada Inc., Located at 1574 Wilson Street West (Ancaster) (PED05158) (Ward 12) (Item 8.1)

Stan Holiday outlined the report to Committee.

He explained that Council was asked to provide comments to the Ministry of Environment on type of application and that staff supported the proposal, subject to the imposition of conditions.

Committee discussed the matter and had additional information supplied by staff.

Committee approved the staff recommendation.

(g) Ancaster Industrial Business Park Storm Water Pond #2 Enhancements (PED05173/PW05131/FCS05120) (Ward 12) (Item 8.2)

Sylvia Renshaw provided an overview of the report.

Committee approved the staff recommendation.

(h) Installation of sidewalks on Raiano Drive (Item 9.1)

Chair Whitehead relinquished the Chair to Councillor Pearson.
Councillor Whitehead provided the background to his Motion. He explained that houses had been constructed at the end of Raiano Drive, while the normal City practice was to leave the lots adjacent to the end of a cul-de-sac for future development. Councillor Whitehead noted that the problems had arisen as a result of not following the standard practice.

Committee passed the Motion.

Councillor Whitehead resumed the Chair.

(i) Removal of requirement for boulevard between the sidewalk and the curb, 468-518 Jones Road (Item 9.2)

Councillor Mitchell explained the background to his Motion. He noted that a petition had been received from the residents, and that the intent was to permit the parking of two cars in each driveway, to avoid additional parking on the street.

Tony Sergi explained the background to the sidewalk policy which had been approved by Council in 2003. He explained that higher volume roads require boulevards and sidewalks, for a number of reasons, including safety, snow storage, location of services, planting of street trees and workable grading and curbing adjacent to individual driveways.

Committee discussed the matter. On a Motion by Councillor Pearson, seconded by Councillor Mitchell, the item was referred back to staff to provide a written report to include the background for the sidewalk policy and an explanation of the requirements.

Councillor McHattie requested his opposition be recorded.

(j) Removal of requirement for sidewalk, Stone Glen Way, Mount Hope (Item 9.3)

Councillor Mitchell explained the background to his Motion. He noted that a petition from area residents had been received, requesting the elimination of the sidewalk requirement for this cul-de-sac.

Staff explained that future plans for Stone Glen Way would extend the street, and that a sidewalk was needed.
Committee discussed the matter. On a Motion by Councillor Pearson, seconded by Councillor Mitchell, the item was referred back to staff to provide a written report to include the background for the sidewalk policy and an explanation of the requirements.

(k) Hess Street Task Force (Added Item 9.4)

Councillor Bratina explained his proposal.

Committee passed the Motion.

(l) Notices of Motion (Item 10)

None

(m) General Information

Councillor Pearson asked for information on what details the developers are required to provide to new home buyers. Tim McCabe explained that a detailed billboard is erected on the subdivision site, and that information must be provided to the new owners in the offers of purchase and sale. Art Zuidema explained that there are limitations on what the City can require, and that details regarding conditions of subdivision agreements were handled by the buyers’ lawyers

(n) Private and Confidential (Items 12.1 and 12.2)

On a Motion by Councillor Pearson, seconded by Councillor Mitchell, Committee moved In-Camera to consider two items related to matters before a board or tribunal.

On a Motion by Councillor Ferguson, seconded by Councillor Kelly, Committee resumed in Open Session.

Committee then passed two Motions.
(o) Adjournment

On a Motion, the Planning and Economic Development Committee adjourned at 11:45 a.m.

Respectfully submitted,

Terry Whitehead, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
November 1, 2005