Planning and Economic Development Committee

AS AMENDED

REPORT 06-008

May 16, 2006

9:30 a.m.

Council Chambers

Hamilton City Hall

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

Also Present: Councillors A. Samson, T. Jackson, P. Bruckler

Absent:   Councillor M. Ferguson – illness

Staff Present: L. Coveyduck, General Manager - Planning and Development
              T. McCabe, P. Mallard, T. Sergi, J. Hickey-Evans, S. Deiaco,
              A. MacDonald, P. Moore, A. Fletcher, H. Travis, S. Murray,
              G. Macdonald, D. Cuming, E. John, J. Downey - Planning and Development
              N. Everson, G. Paparella – Economic Development
              R. Norman, Public Works
              A. Rawlings, I. Sturgeon – City Clerk's Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS REPORT 06-008 AND RESPECTFULLY RECOMMENDS:

1. Ministry of Transportation Surplus Land Located North of Governor’s Road and West of Binkley Road, Described as Part of Lots 35 and 36 Concession 1, in the Former Geographic Township of Ancaster (PED06122) (Wards 12, 13 and 14) (Item 5.1)

That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ministry of Transportation (MTO) that the City of Hamilton has no interest in acquiring the MTO lands, legally described as Part of Lots 35 and 36, Concession 1, in the former Township of Ancaster, as shown on Appendix “A” to Report PED06122.

Council – May 24, 2006
2. **Application for a Variance to Ancaster Sign By-law, 125-139 Wilson Street West (Ancaster) (PED06142) (Ward 12) (Item 5.2)**

That approval be given to **Sign Variance Application SV-06-01, Gates of Ancaster II Limited, Owner**, to permit a temporary ground sign on lands in a Residential Zone which are used exclusively for residential purposes, at 125-139 Wilson Street West (former Town of Ancaster), as shown on Appendix “A” to Report PED06142, on the following basis.

(a) That the ground sign be permitted on the subject land for a maximum period of one year, after which it shall then be removed, at the owner’s expense.

(b) That the ground sign shall have a maximum sign area of 13.4 square metres and that only one side shall be used for display purposes.

(c) That the ground sign shall be permitted a maximum height of 3.3 metres.

(d) That the ground sign shall be permitted at a minimum distance of 0.0 metres from the street line.

(e) That the ground sign shall be located a minimum distance of 15 metres from abutting residential zones to the north and south.

(f) That the ground sign shall not be illuminated.

3. **Ministry of Transportation Surplus Land Located South of Governor’s Road and East of Binkley Road, Described as Part of Lots 38 & 39, Concession 1, in the Former Geographic Township of Ancaster, More Particularly Described as Parts 2, 4 and 8 on Registered Reference Plan 62R-4405, Dundas (PED06145) (Wards 12, 13 and 14) (Item 5.3)**

That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ministry of Transportation (MTO) that the City of Hamilton has no interest in acquiring the MTO lands, legally described as Part of Lots 38 & 39, Concession 1, in the former Township of Ancaster, more particularly described as Parts 2, 4 & 8 on Registered Reference Plan 62R-14405, as shown on Appendix “B” to Report PED06145.

4. **Ministry of Transportation Surplus Land Located North of Governor’s Road and East of Binkley Road, Described as Part of Lots 37 & 38, Concession 1, in the Former Geographic Township of Ancaster, More Particularly Described as Parts 1 Thru 11 (inclusive) on Registered Reference Plan 62R-17373, Dundas (PED06146) (Wards 12, 13 and 14) (Item 5.4)**

Council – May 24, 2006
That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ministry of Transportation (MTO) that the City of Hamilton has no interest in acquiring the MTO lands, legally described as Part of Lots 37 & 38, Concession 1, in the former Township of Ancaster, more particularly described as Parts 1 through 11 (inclusive) on Registered Reference Plan 62R-17373, as shown on Appendix “B” to Report PED06146.

5. **Heritage Permit Application (HP2006-013) Under Part IV of the Ontario Heritage Act to Permit Partial Demolition and Alterations to a Designated Property at 14 Mary Street (former Century Theatre), Hamilton (PED06149) (Ward 2) (Item 5.5)**

That Heritage Permit (HP2006-013) be approved for the partial demolition of the designated property at 14 Mary Street (former Century Theatre), Hamilton, and for alterations to the façade, according to the drawings attached as Appendix A to Report PED06149, subject to the following conditions:

(a) That a comprehensive demolition plan be prepared by a qualified engineer and that this plan be submitted in advance to Heritage staff for review and approval prior to the issuance of the demolition permit for the auditorium portion.

(b) That the applicant provide construction details regarding the stabilization of the designated façade, the first bays of the north and south walls, and of the partially retained north and south walls, both short-term (during demolition and construction) and long-term.

(c) That revised detailed plans and drawings of the designated, front/west elevation be prepared and submitted to Heritage staff for review and approval prior to the issuance of a building permit, to include construction details of the lower cornice, the removal of the fifth floor parapet wall, the retention of the wood window frames, the window glazing, and the street level materials.

(d) That the restoration techniques and cleaning of the brick and of the former Lyric Theatre sign on the west façade, including metalwork and paintwork, be submitted to Heritage Staff for review and approval prior to work commencing.

(e) That the applicant record and document, through photography, the 1940’s designated decorative panels in the main auditorium and, if possible, provide a reproduction of such panel in the lobby of the new building.
6. Demolition Permit – 218 Macauley Street East (PED06150) (Ward 2) (Item 5.6)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 218 Macauley Street East in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building and Licensing and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

7. Amendment to the Conditional Loan Commitment under the Hamilton Downtown Residential Loan Program for 260-280 King Street East and allow Federal and Provincial Grant Funding to take a Priority Position (PED06151/FCS06048) (Ward 2) (Item 5.7)

That Council agree to allow the Federal and Provincial financial contributions for 260-280 King Street East under the Strong Start component of the Canada-Ontario Affordable Housing Program to be secured in a priority position to the City’s mortgage and that the City’s position, as a consequence, be secured as a third mortgage.

8. Declaration of Surplus Property on a Portion of City Owned Lands Described on Parts 1 & 2 on City Draft Plan No. RB-S-774, Known Municipally as Part of 36 Lakeside Drive (PED06154) (Ward 11) - Referred from Planning and Economic Development Committee on August 3, 2004 (Item 5.8)
(a) That the subject lands, being part of 36 Lakeside Drive, in the former City of Stoney Creek, now in the City of Hamilton, being composed of part of Lots 5 & 6 on Plan 428, further described as Parts 1 & 2 on Draft Plan No. RB-S-774, comprising an area of 108 square metres (1162.50 square feet), attached hereto as Appendix “A” to Report PED06154, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

(b) That the Real Estate Section of the Development and Real Estate Division be authorized and directed to negotiate an Offer To Purchase (Temporary Easement) for the purpose of accommodating a private septic system to the abutting neighbour to the west, Mrs. M. Murphy, in accordance with the Procedural By-law for the Sale of Land, being By-law 04-299. The Offer to Purchase (Temporary Easement) is to be based on the following conditions:

(i) That this Easement Agreement will remain in effect until such time as Lakeside Drive is fully serviced, at which time the Purchaser will be required to and be responsible for connecting to the municipal sewer system.

(ii) That the Purchaser will be required to acknowledge and agree that upon connecting to the municipal sewer system, that the Purchaser will be required, at their own expense, to remove the septic tank and tile bed from the City lands. The Purchaser shall provide confirmation to the City of Hamilton of the completed work. Upon completion of the work, the Purchasers shall be responsible for all costs associated with restoring the City owned parcel to its original condition.

(iii) That the Purchaser will be required to acknowledge and agree that the maintenance of the sewage disposal tank and the grounds shall be at its sole cost.

(iv) That no further encumbrances will be granted to the Purchaser by the Vendor on the subject lands.

(c) That an Offer to Purchase to be executed by Margaret Murphy, for a temporary easement over Parts 1 & 2 on Draft Plan No. RB-S-774, attached hereto as Appendix “B” to Report PED06154, be approved and completed for the nominal consideration of One Dollar ($1.00).

(d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act incorporating the following, if required:

(i) That the subject lands be declared surplus by inclusion of this report to City Council.
(ii) That satisfactory notice to the public of the proposed sale of the easement by inclusion of this report to City Council.

(iii) Notwithstanding Section 3 (b) of By-Law No. 04-299 requiring at least one appraisal of the fair market value be waived.

(e) That Item “C” referred from the Planning and Economic Development Committee on August 3, 2004, be identified as completed and removed from the Planning and Economic Development Committee’s Outstanding Business List.

9. **The Comprehensive Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan (PED06155) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13 & 15) (Item 5.9)**

That Report PED06155 respecting “The Comprehensive Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan” be received for information.

10. **Sale of City Lands, Flamborough Industrial Park, Innovation Drive to SFS Intec Inc. (PED06161) (Ward 15) (Item 5.11)**

(a) That an Offer to Purchase, executed by SFS Intec Inc. on April 27, 2006, and scheduled to close on or before August 21, 2006, for the purchase of the City owned vacant industrial lands known as part of Lot 25, Concession 3 in the former Township of West Flamborough, being designated as Parts 3 and 4 on Plan 62R-15372, (as shown on Appendix “A” to Report PED06161) comprising an area of 1.13 hectares (2.81 acres), be approved and completed.

(b) That the funds from this sale, as outlined in sub-section (a) above, of $618,200 be credited to Account No. 47702-3629107008 (Flamborough Industrial Park – Tech Park). As the sale price does not include the Goods and Service Tax, should the GST be applicable and collected by the City, the GST amount is to be credited to Account No. 22835-009000 (GST Payable).

(c) That the required deposit cheque, in the amount of $61,820, be held by the General Manager of Finance and Corporate Services pending approval of this transaction.

(d) That as a condition of the Offer, the Purchaser is permitted access to the subject property and the Purchaser is allowed 40 days following the acceptance of this Offer to undertake an environmental audit and other reviews of the suitability of the subject property. Should the environmental condition or other results of the investigations not be satisfactory to the Purchaser, the Offer shall become null and void.

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(e) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following:

(i) That on May 16, 1995, Regional Council approved Item 4 of Report 6-95 of the Finance Committee declaring the subject lands in the Flamborough Industrial Park surplus to the requirements of the Region of Hamilton-Wentworth.

(ii) That in accordance with the approved method of providing notice in the City of Hamilton By-law No. 04-029 “Procedural By-Law for the Sale of Land”, notice has been given to the Public with a City of Hamilton “For Sale” sign on the subject lands for at least the minimum seven-day period starting on April 6, 2005 and by the posting of a sale notice of the subject lands on the City of Hamilton Real Estate website.

(iii) That the sale of the subject industrial lands fall within the class of properties that is exempt for the requirement for an Appraisal under Section 8 of the City of Hamilton By-law No. 04-029 “Procedural By-law for the Sale of Land”.

11. Advisory Committee Minutes – For Information

(a) Hamilton LACAC (Municipal Advisory Committee) Meeting of March 23, 2006 (Item 5.12)

That the minutes of the Hamilton LACAC meeting of March 23, 2005 be received.

12. Demolition Permit – 867 Beach Boulevard (PED06175) (Ward 5)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 867 Beach Boulevard in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

13. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 130 St. Joseph’s Drive, Hamilton (PED06141) (Ward 2) (Item 6.1)

That approval be given to Condominium Conversion Application 25CDM-CONV-05-03, Destaron Property Management Ltd., owner, to establish a Draft Plan of Condominium for one hundred and twenty-six dwelling units within the existing apartment building located at 130 St. Joseph’s Drive (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED06141, subject to the following conditions:

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(b) That the following standard conditions from Appendix “B” of Report PD01184 - Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process shall apply:

   (i) Development Planning and Engineering Conditions - No. 16 and 12

   1. That the Owner shall submit a report in accordance with Section 9(4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

   2. That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).


That approval be given to Zoning Application ZAR-06-014, by DiCarlo Custom Homes and Vallorani Construction, applicant, for a further modification to the Single Residential “R3-17” Zone in order to permit an increase in the maximum permitted lot coverage from 40 percent to 50 percent for lands located within the Registered Plan of Subdivision 62M-1048, “Hemlock Meadows”, shown on Appendix “A” to Report PED06138, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED06138, 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 in conformity with the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

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15. Applications for Approval of a Draft Plan of Subdivision "Thornbrae Estates" and Change in Zoning for Lands Located at 256 Thorner Drive (Hamilton) (PED06139) (Ward 7) (Item 6.3)

(a) That approval be given to **Amended Subdivision Application 25T200520, A. DeSantis Developments Ltd., owner**, to establish a draft plan of subdivision comprising fifty lots for single detached dwellings, one walkway block and one cul-de-sac street, as shown on Appendix “B” to Report PED06139, on lands located at 256 Thorner Drive (Hamilton), subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06139 and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development; and,

(ii) 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 Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to **Amended Zoning Application ZAC-05-93, A. DeSantis Developments Ltd., owner**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified (Block 1), from the “AA” (Agricultural) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified (Block 2), from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, Modified (Block 3), and for a modification to the established “C” (Urban Protected Residential, etc.) District (Block 4), to permit the development of fifty single detached dwellings, for lands located at 256 Thorner Drive (Hamilton), as shown on Appendix "A" to Report PED06139, on the following basis:

(i) That Block 1 be rezoned from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified.

(ii) That Block 2 be rezoned from the “AA” (Agricultural) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified.

(iii) That Block 3 be rezoned from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, Modified.

(iv) That Block 4 be rezoned from the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified.
(v) That the Draft By-law, attached as Appendix “D” to Report PED06139, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(c) That upon finalization of the implementing By-law, the Thorner Neighbourhood Plan be amended to reflect the change in designation from “Civic & Institutional” to “Single and Double Residential”, and to revise the plan to add a public walkway shown as Block 51 and a cul-de-sac street shown as Court ‘A’ on Appendix “B” to Report PED06139.

16. Application for a Change in Zoning for the Property Located at 1600 Rymal Road East (Hamilton) (PED06140) (Ward 6) (Item 6.4)

That approval be given to Zoning Application ZAC-06-12, by 1677127 Ontario Inc. (c/o Anthony J. Lombardi), owner, for a change in zoning from the “AA” (Agricultural) District to the “M-11/S-1550” (Prestige Industrial) District, Modified, to permit a chiropractic clinic on the property located at 1600 Rymal Road East (Hamilton), as shown on Appendix “A” to Report PED06140, on the following basis:

(a) That the attached draft By-law, included as Appendix “B” to Report PED06140, as amended by Committee to remove the requirement for an archaeological assessment and to access the driveway location, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council:

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1550, and that the subject lands on Zoning District Map W-79e be noted as S-1550.

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

17. Application for a Change in Zoning for the Property Located at 1301 and 1315 Upper Wellington Street (Hamilton) (PED06143) (Ward 7) (Item 6.5)

That approval be given to Zoning Application ZAC-06-01, Toscani Developments Ltd., Owner, for a change in zoning from the “JJ” (Restricted Light Industrial) District, Modified to the “DE-3” – ‘H’ (Multiple Dwellings - Holding) District, Modified, to permit 171 stacked townhouse units, for the property located at 1301 and 1315 Upper Wellington Street (Hamilton), as shown on Appendix “A” to Report PED06143, on the following basis:
(a) That the subject lands be rezoned from the “JJ” (Restricted Light Industrial) District, Modified to the “DE-3” – ‘H’ (Multiple Dwellings - Holding) District, Modified.

(b) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time that the owner/applicant submits:

(i) A Record of Site Condition (RSC), which has been acknowledged by the Ministry of Environment, to the satisfaction of the City of Hamilton, Director of Development and Real Estate; and,

(ii) A noise assessment prepared by a qualified professional in accordance with the Ministry of Environment Guidelines, to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “DE-3” District, Modified provisions, by enactment of an amending By-law once the conditions are satisfied.

(c) That the Draft By-law, attached as Appendix “B” to Report PED06143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(e) That upon finalization of the implementing By-law, the Crerar Neighbourhood Plan be amended by redesignating the subject lands from “Low Density Apartments” to “Medium Density Apartments”.

The following Item was referred back to the next meeting of the Planning and Economic Development Committee (June 6, 2006):

18. City Initiative CI-06-B to Amend the Official Plan Open Space and Parks Policies and Create New Zoning By-Law Regulations - Urban Area Only (PED06152) (City Wide) (Item 6.7)

(a) That approval be given to Official Plan Amendment No.110 of the former Town of Ancaster Official Plan; Official Plan Amendment No.10 of the former Town of Dundas Official Plan; Official Plan Amendment No.104 of the former Town of Flamborough Official Plan; Official Plan Amendment No. 54 of the former Township of Glanbrook Official Plan, Official Plan Amendment No. 205 of the
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former City of Hamilton Official Plan; and, Official Plan Amendment No.126 of the
former City of Stoney Creek Official Plan, to amend land use designations,
general policies for open space and parks as well as policies contained in
Secondary Plans as contained in Appendix “A” to Report PED06152.

(b) That the following Appendix Maps as contained in Appendix “A” to Report
PED06152, identifying the parks classification for lands not part of a Secondary
Plan be included for information in the Official Plans for the former Towns of
Ancaster and Dundas, Cities of Hamilton and Stoney Creek as follows:

i) Appendix “1” – Park Classification Map to the Town of Ancaster Official
   Plan;

ii) Appendix “1” – Park Classification Map to the Town of Dundas Official
    Plan;

iii) Appendix “1” – Park Classification Map to the City of Hamilton Official
    Plan;

iv) Appendix Map “3” – Park Classification Map to the City of Stoney Creek
    Official Plan.

(c) That approval be given to City Initiative C1-06-B, to enact the second stage of the
City’s new Comprehensive Zoning By-law known as Zoning By-law No. 05-200,
included as Appendix “B” to Report PED06152, for the Urban lands of the City of
Hamilton.

(d) That the attached Zoning By-law marked Appendix “B” to Report PED06152,
which has been prepared in a form satisfactory to City Solicitor, be enacted by
City Council.

(e) That the General Manager, Planning and Economic Development Department, be
hereby authorized and directed to prepare the requisite by-law to amend the
Official Plans and Zoning By-law, in a form satisfactory to the City Solicitor, for
presentation to Council.

(f) That upon adoption of Official Plan Amendment Numbers XX through XX, and
Stage Two of the City’s new Comprehensive Zoning By-law will be in conformity
with the Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney
Creek Official Plans.

(g) That the Parks, Culture and Recreation Master Plan recommendations 4 (in part),
28, 29, 31, 32, 37-39, 43, 44, 47, 53-54, 57-59, 61, 64, 65, and 67 relating to
Official Plan policies and Zoning By-law regulations, as modified by the
recommendations in Report PED06152, be identified as complete.

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That the draft Official Plan policies remove the reference to parkette size throughout the Amendments.

19. Economic Development 2005 Highlights (PED06158) (City Wide) (Item 7.1)

That Report PED06158 respecting Economic Development 2005 Highlights be received for information.

20. Heritage Permit Application (HP2006-008) Under Part V of the Ontario Heritage Act to Permit the Construction of a New Sunroom, a Master Suite, Entrance and Connecting Porticos, an Attached Two Car Garage, an Attached Three Car Garage, a Motor Court, a Driveway and Associated Miscellaneous Alterations at 31 Cross Street, Dundas (PED06148) (Ward 13) (Item 8.1)

(a) That heritage permit application HP2006-008 be denied for the construction of a new sunroom, a master suite, entrance and connecting porticos, an attached two car garage, an attached three car garage, a motor court, a driveway and associated miscellaneous alterations, described in Appendix A to Report PED06148, as the proposed construction of this complex is contrary to the former Town of Dundas Official Plan policies and the former Town of Dundas Council approved Cross-Melville Heritage Conservation District Plan.

(b) That staff be directed to advise the applicant that a rear addition to accommodate a bedroom could be supported, in principle, subject to the preparation of detailed plans and drawings prepared by a suitably qualified design professional, such as an architect or architectural technologist, and submitted under a new heritage permit application.

(c) That staff be directed to advise the applicant that a two-bay garage for the storage of vehicles to the rear and northeast of the existing dwelling could be supported, in principle, subject to the preparation of detailed plans and drawings prepared by a suitably qualified design professional, such as an architect or architectural technologist, and submitted under a new heritage permit application.

The following Item was referred back to the Planning and Economic Development Committee:

21. Applications for Approval of a Draft Plan of Subdivision and Change in Zoning by Sulphur Springs Development Corp. (D. Carnicelli) for Lands Located at Ryckman’s Corners - 80 Springside Drive (Hamilton) (PED06131) (Ward 7) (Item 8.3)
(a) That the application for an **Amended Subdivision Application 25T200515**, “Ryckman’s Corners”, Sulphur Springs Development Corp. (D. Carnicelli), **owner**, to establish a draft plan of subdivision, comprising eighteen lots for single-detached dwellings and a new cul-de-sac, as shown on Appendix "C" to Report PED06131, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06131 be denied.

(b) That the **Amended Zoning Application ZAC-05-70, Sulphur Springs Development Corp. (D. Carnicelli), owner**, to change the zoning from the “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified, to permit the development of eighteen single detached dwellings on separate lots, on lands located at 80 Springside Drive (Hamilton), as shown on Appendix “A” to Report PED06131, be denied.

22. **Freeman Severance Appeal, 1330 Trinity Church Road (Item 12.1)**

That City staff be authorized to resolve the Freeman severance appeal for 1330 Trinity Church Road, scheduled to reconvene before the Ontario Municipal Board on June 5, 6 and 7th, 2006, on the following basis:

(a) that the Director of Building & Licensing is satisfied that a well, providing the drinking water supply for the severed lot containing an existing dwelling is suitable in terms of quality and quantity. If the existing well on the proposed lot is not capable of providing such adequate water supply for the residential use, then a new well be constructed and the existing well be decommissioned in accordance with applicable legislation and MOE Guidelines;

(b) that the Director of Building & Licensing is satisfied that the sewage disposal system for the existing dwelling is designed, constructed and operates in accordance with current Building Code Act standards;

(c) that the water supply for the existing dwelling shall not use or be solely dependant on the use of a water storage cistern;

(d) that the sewage disposal system shall not utilize a holding tank, notwithstanding provisions in the Building Code Act respecting existing dwellings;

(e) that the retained, vacant, farm lands be rezoned to not permit a residential dwelling;

(f) that the retained, vacant, farms lands be the subject of a restrictive covenant to not permit a residential dwelling;

(g) that the severed lands be the subject of a variance application in the event that the accessory barn structure is retained and exceeds by-law requirements;

(h) and that an Official Plan Amendment, City initiated and site specific if necessary, be processed as a condition of severance approval with respect to the "non abutting" characterization of the proposal with the current Official Plan.
FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

The Clerk advised of the following changes to the Agenda:

(i) Added Report respecting the demolition of 867 Beach Boulevard (PED06178) (Item 15.13)

(ii) Added Legal In-Camera Verbal Report regarding an item which is currently before the O.M.B. (Item 12.1)

(iii) Added Delegation request from Mr. George Zajac to speak this morning to 9620 Twenty Road (Item 4.8)

(iv) Added Delegation request from Mr. Allan Whittle, Good Shepherd, respecting Consent Item 5.10

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Approval of Minutes

The minutes of the Planning & Economic Development Committee meeting held on May 2, 2006 were approved as presented.

(d) Delegation Requests

(Parina/Mitchell)

Committee approved the following delegation requests to attend a future meeting:

4.1 Rick & Diane Gibbs, Hamilton-Wentworth Mobile Sign Association
Respecting Proposed New Sign By-law

4.2 Victor J. Veri
Respecting Providing Public Information to Citizens

4.3 Matt Jelly
Respecting Preservation of the Lister Block

4.4 Margaret & Jim Cottell
Respecting Assessment issues regarding 90 Elmhurst Drive
4.5 Ugo and Miriam Dalla Pasqua  
Respecting Issues of 90 Elmhurst Drive

4.6 M. Paron  
Respecting Concerns over By-law 142, 90 Elmhurst Drive

4.8 Ed Fothergill  
Respecting lands at Fifty Road and the Queen Elizabeth Way, within SCUBE

4.9 George Zajac  
Respecting a staff report on Severance Application 9620 Twenty Road

CARRIED

(Kelly/Mitchell)
The following delegation request was approved to be heard today on Item 8.1;

4.7 Clair Sellens  
Respecting 31 Cross Street, Dundas (Item 8.1 on this Agenda)

CARRIED

(e) Heritage Permit Application (HP2006-013) Under Part IV of the Ontario Heritage Act to Permit Partial Demolition and Alterations to a Designated Property at 14 Mary Street (former Century Theatre), Hamilton (PED06149) (Ward 2)

Councillor Bratina asked for clarification regarding the demolition plan.

Tim McCabe explained the need for added care as the proposal is for a partial demolition of the building.

Committee approved the staff recommendation.

(f) Good Shepherd, 143 Wentworth Street South – Relief From Cash-in-Lieu of Parkland Dedication and Building Permit Fees PED06156/FCS06050 (Ward 3) (Item 5.10)

On a motion moved by Councillor Merulla and seconded by Councillor McHattie, the Committee agreed to table the item for two weeks in order to allow further consultation with the Ward Councillor.

(g) Sale of City Lands, Flamborough Industrial Park, Innovation Drive to SFS Intec Inc. (PED06161) (Ward 15) (Item 5.11)
On a motion, the Committee extended the time for the environmental audit and other reviews from 30 to 40 days following the acceptance of the offer.

(h) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 130 St. Joseph’s Drive, Hamilton (PED06141) (Ward 2) (Item 6.1)

A Public Meeting was held.

Chair Pearson advised the meeting that, this was a Public Meeting to hear input respecting the proposed condominium conversion.

Shannah Murray outlined the report to Committee and explained that an added condition regarding zoning by-law compliance is being proposed.

Sergio Manchia, agent for the applicant advised Committee that he supported the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff report as amended.

Staff was directed to advise members of Committee, by way of email, the number of applications for condominium conversions that the City has received.

(i) Application for a Modification in Zoning for Registered Plan of Subdivision 62M-1048, “Hemlock Meadows”, (Stoney Creek) (PED06138) (Ward 10) (Item 6.2)

A Public Meeting was held.

Chair Pearson 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.

Danielle Fama outlined the report to Committee.

Angelo Camerracci, the applicant’s agent advised Committee that he supported the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.
Applications for Approval of a Draft Plan of Subdivision "Thornbrae Estates" and Change in Zoning for Lands Located at 256 Thorne Drive (Hamilton) (PED06139) (Ward 7) (Item 6.3)

A Public Meeting was held.

Chair Pearson 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.

Heather Travis outlined the report to Committee.

Angelo Camerracci, the applicant’s agent advised Committee that he supported the staff recommendation.

Mr. John Cassidy, 13 Ranchdale Drive asked for clarification with respect to the Double Residential Zoning and busing issues. He also expressed concern regarding the compressed housing in the area, sewer services and the traffic flow and signals at Mohawk Road.

Mr. Ron Lewker, 34 Ranchdale expressed concern regarding storm sewer capacity and increased traffic.

Ms. Joan Plaice, 63 Deerborn Drive voiced her concerns regarding increased traffic, sewer capacity, the current condition of the site and increased dust once the building commences.

Ms. Margaret Phillips, 71 Deerborn Drive advised that she was opposed to using the green space to build houses and concerned about the existing state of the property.

Committee discussed the matter and expressed concern regarding the grading, sewer impact, density, and current property maintenance and traffic issues. They then noted the importance of implementing a process to manage intensification.

Committee approved the staff recommendation.

Staff was given the following directions;

- that in future sub-division agreements include a specific condition relating to the approved grading plan
- Councillor McHattie requested information from Tony Sergi regarding the percentage of impermeable surfaces within development
- to compile guidelines regarding the management of intensification for future discussion with Committee
(k) Application for a Change in Zoning for the Property Located at 1600 Rymal Road East (Hamilton) (PED06140) (Ward 6) (Item 6.4)

A Public Meeting was held.

Chair Pearson 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 and explained the minor changes regarding the elimination of the requirement of the archeological assessment and the alteration of the location of the access driveway.

The applicant, Mr. Mario Lombardi advised Committee that he supported the staff recommendation.

Councillor Jackson noted a concern regarding the drainage issues in the area.

Tony Sergi gave an overview of the drainage issue and agreed to meet with the property owners to go over the issue.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(I) Application for a Change in Zoning for the Property Located at 1301 and 1315 Upper Wellington Street (Hamilton) (PED06143) (Ward 7) (Item 6.5)

A Public Meeting was held.

Chair Pearson 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.

Simon Deiaco outlined the report to Committee.

Scott Llewellyn advised Committee that he supported the staff recommendation.

Mr. Peter Ceolin, 3 Dolphin Place noted his preference for single home residential development and raised a concern regarding blasting damage.

Members of Committee discussed the blasting concern, the current blasting guidelines and the need to keep the residents updated on the blasting schedules.

Mr. Deiaco agreed to get in touch with Mr. Ceolin to explain the process for blasting in new development.

Council – May 24, 2006
Committee approved the staff recommendation.

(m) Glanbrook Official Plan and Township of Glanbrook Zoning By-law on Lands Known as 8229 English Church Road (Glanbrook) (PED06147) (Ward 11) (Item 6.6)

A Public Meeting was held.

Chair Pearson 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.

Paul Moore outlined the report to Committee.

Mr. Ed Fothergill the applicant’s agent explained his support for the subject application.

Donna Kozar, a resident of English Church Road, addressed Committee and explained that she found living in the country, even with the aircraft noise, quieter than living in the City. She explained that she had 100 acres and that she was interested in developing some lots and would move ahead of the subject application was approved.

A lengthy discussion ensued.

(Mitchell/Bratina)
That the applications for Regional Official Plan Amendment ROPA-05-02, Official Plan Amendment OPA-05-08 and Zoning By-law Amendment ZAC-05-58, by Hamilton Sold (Steve Schiedel), owner, to permit the creation of three lots for single detached dwellings, and to change the zoning from the Private Open Space “OS1-131” Zone and “OS1-132” English Church Road, as shown on Appendix “A” to Report PED 06147, be approved on the following basis;

(a) That the implementing Zoning By-law and Official Plan Amendment delete the provision to permit a residence within the clubhouse building on the golf course.

(b) That appropriate provisions be build into the Local Official Plan Amendment and Zoning By-law to require a warning clause to be registered on title to notify prospective owners of potential noise generated by activities at the airport.

Council – May 24, 2006
The motion lost on a standing recorded vote.

Yea:
Chair Pearson, Councillors Bratina, Mitchell

Nay:
Councillors Braden, McHattie, Merulla, Whitehead

On a Motion moved by Councillor Braden and seconded by Councillor Mitchell, the Committee agreed that a proposal to approve severances for Lot 1 and Lot 2 conditional upon the owner agreeing to delete the additional dwelling use within the clubhouse be referred to the next Planning & Economic Development Committee meeting, pending further discussion between the parties concerned.

(n) City Initiative CI-06-B to Amend the Official Plan Open Space and Parks Policies and Create New Zoning By-Law Regulations - Urban Area Only (PED06152) (City Wide) (Item 6.7)

A Public Meeting was held.

Chair Pearson 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.

Joanne Hickey-Evans, Andrea McDonald and Al Fletcher outlined the report to Committee.

Members of Committee expressed concerns regarding programmable green space, addressing the rural component separately, the importance of having standards for parkland, permitted and non-permitted uses and the use of parkland dedication funds.

Hugh Tye, spoke on behalf of the Dundas Community Coalition who is a coalition of neighborhood groups and sports organizations fighting for the preservation of green space on school property. A copy of Mr. Tye’s presentation was circulated to members of Committee. Mr. Tye asked Committee to endorse a motion from Guelph that would be forthcoming later in the meeting.

John Norris addressed Committee and explained his background of involvement with City Parks. He then explained the importance of having by-law requirements which did not allow any non-park uses to take place within parks, by the City or anyone else. Mr. Norris requested that City of Hamilton By-law No. 338 be repealed.
Mr. Fletcher explained that the new by-law regulations for parks superseded those contained in By-law No. 338. He noted that By-law No. 338 would now apply only to non-park City owned property.

Mr. Norris recommended to Committee that there should be mandated, not voluntary, public meetings for any proposed amendments to uses in parks.

Mr. Fletcher noted that he would work with Councillors McHattie and Whitehead regarding their proposed amendments to the by-law prior to the Council meeting.

Committee discussed the importance of Legacy Parks and staff advised that issues relating to parkland given to the City are currently being reviewed.

Mary-Jane Dolbear, addressed Committee as co-chair of the University Gardens for Greenspace Committee and the Dundas Community Coalition and explained their concerns regarding the decline of park space within the City, particularly with regard to the loss of open space previously associated with school sites. Ms. Dolbear suggested that the City should retain parks on school properties. She urged members of Committee to consider maintaining smaller green spaces, allowing the provision for community input when schools are being declared surplus and suggested that staff need to plan ahead on regarding development proposals for former school sites.

A written submission was presented by Hugh Tye, Julianne Burgess, Juliane Gruneberg, Mary-Jane Dolbear and Jim Capanella on behalf of the Dundas Community Coalition. A copy of the group’s submission is attached hereto as Appendix A.

Rob Norman, Manager of Open Space Development, explained the difficulties of using small spaces as parks particularly due to the need for buffering from adjacent residential areas. He explained how parkettes are expensive to design and maintain and there is an ongoing need for programmable space.

Councillor Bratina questioned the preserving rights in public law and staff was directed to provide additional information to Committee in this regard.

Councillor McHattie asked staff to consider different methods of providing green space including the possibility of changing the way Development Charges are utilized.

(McHattie/Merulla)
That the City of Hamilton investigate the planning process for the after-use of surplus school property developed by the City of Guelph and Upper Grand District School Board and report back to PED on the utility of this process for Hamilton.

CARRIED
Councillor Samson expressed his wish to eliminate a minimum size requirement for a parkette.

Joanne Hickey-Evans agreed to speak to Councillor Samson after the meeting about this matter.

(o) Sergio Manchia, respecting SCUBE (Stoney Creek Urban Expansion) (Delegation approved by Committee May 2, 2006) (Item 6.8)

Chair Pearson noted that Mr. Manchia would speak at a future Planning & Economic Development Committee meeting when SCUBE is being discussed. She noted that a delegation from Ed Fothergill to speak on the same item had been approved this morning.

(p) Economic Development 2005 Highlights (PED06158) (City Wide) (Item 7.1)

Neil Everson, Executive Director, Economic Development made a PowerPoint presentation to members of Committee outlining the department’s highlights from 2005.

The Committee received the staff information report.

(q) Heritage Permit Application (HP2006-008) Under Part V of the Ontario Heritage Act to Permit the Construction of a New Sunroom, a Master Suite, Entrance and Connecting Porticos, an Attached Two Car Garage, an Attached Three Car Garage, a Motor Court, a Driveway and Associated Miscellaneous Alterations at 31 Cross Street, Dundas (PED06148) (Ward 13) (Item 8.1)

David Cuming outlined the staff report with the assistance of a PowerPoint presentation. He noted that discussions have been taking place with the applicant over the last eighteen months regarding the details.

Mr. Cuming explained that while staff was in a position to recommend approval of the bedroom suite and a two car garage, the owner had requested that his application be considered in its entirety.

In addition, Mr. Cuming explained that the application has been reviewed by the Cross-Melville Heritage Committee and by Hamilton LACAC (Municipal Heritage Committee) and that both Committees were in agreement with the staff recommendation.

Mr. Sellens appeared before Committee and reviewed the plans of his heritage permit application. He explained the need for the various components of the
design and the fact that other similar additions and alterations had already taken place with the Cross-Melville Heritage District. Mr. Sellens provided members of Committee with a copy of his planned expansions and suggested that his proposal met all the guidelines within the Heritage District.

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

Councillor Samson, the Ward Councillor, advised that he supported the position of the Cross-Melville Heritage District Committee, Hamilton LACAC and staff regarding this item.

Committee approved the staff recommendation.

(r) **Recommendation to Designate 191 Barton Street East, Hamilton, Under Part IV of the Ontario Heritage Act (PED05197) (Ward 2) (Item 8.2)**

Councillor McHattie explained to Committee that since the tabling of this item, Mark Preece House has been working with Hamilton Health Sciences towards their use of the building. He noted that they are looking at stabilizing the building this summer and that a report by C.B. Richard Ellis was cautiously optimistic about the proposal.

On a motion Moved by Councillor McHattie and seconded by Councillor Whitehead, the matter was tabled to the second Planning & Economic Development Committee meeting in September.

(s) **Applications for Approval of a Draft Plan of Subdivision and Change in Zoning by Sulphur Springs Development Corp. (D. Carnicelli) for Lands Located at Ryckman’s Corners - 80 Springside Drive (Hamilton) (PED06131) (Ward 7) (Item 8.3)**

Councillor Kelly provided an overview of the discussions which had taken place since the public meeting held on May 2, 2006 and noted that no agreement could be reached.

Committee discussed the matter in detail and agreed that the application should be denied.

(t) **Motions (Item 9)**

None

(u) **Notices of Motions (Item 10)**

None

(v) **General Information**
11.1 Graffiti By-Law (From Outstanding Business List, due May 16, 2006)

Judy Downey gave an overview of the work completed to date on the graffiti issue. She noted the involvement of various City departments and the Hamilton Police and indicated more outside agencies, including C.N., C.P., Hydro, Cable, Canada Post and the School Boards would be involved in the second phase of the work. Ms. Downey then recommended that the item be moved from the Planning & Economic Development Committee Outstanding Business List to the Public Works, Infrastructure & Environment Committee Outstanding Business List so that the staff report would be considered by the appropriate Committee.

Moved by Councillor Whitehead and seconded by Councillor Bratina, the Item was removed from the PED Outstanding Business List and transferred to PWIE Committee.

11.2 Hess Street Task Force (From Outstanding Business List, due May 16, 2006)

Moved by Councillor Bratina and seconded by Councillor Braden that Item (O) respecting the Hess Street Task Force be removed from the Outstanding Business List.

11.3 Duplicate Street Names (From Outstanding Business List – Item GG)

Moved by Councillor Mitchell and seconded by Councillor Bratina that Item (GG) respecting Duplicate Names be removed from the Outstanding Business List.

(w) In-Camera

On a Motion by Councillor Braden, seconded by Councillor Merulla, Committee moved In-camera in order to consider a matter presently before the Ontario Municipal Board.

On a Motion by Councillor Braden, seconded by Councillor Bratina, Committee resumed in Open Session approved the recommendation as noted in Item 22 of this report.
(x) Adjournment

On a standing recorded vote, Committee adjourned at 3:25 p.m.

Yeas:    Chair Pearson, Councillors, Braden, Bratina, Mitchell, Whitehead
Nays:    Nil

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
May 16, 2006