Planning and Economic Development Committee
AMENDED REPORT 06-005
April 4, 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: S. Merulla, B. McHattie, T. Whitehead,
B. Kelly

Also Present: Councillors B. Morelli, A. Samson

Absent: Councillor M. Ferguson – illness

Staff Present: G. Peace, City Manager
L. Coveyduck, General Manager - Planning and Development
T. McCabe, P. Mallard, T. Sergi, G. Macdonald, J. Muto,
E. John, D. Samis, K. West, S. Deiaco, J. Thompson,
P. Moore - Planning and Development
N. Everson – Economic Development
R. Marini – Downtown Renewal
S. Stewart – General Manager, Public Works
G. Davis – Public Works
T. Redmond - Building
A. Rawlings – City Clerk’s Office

AT THEIR MEETING OF APRIL 12, 2006, COUNCIL AMENDED ITEMS 19, 29 AND
30, AS NOTED BELOW;

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS
REPORT 06-005 AND RESPECTFULLY RECOMMENDS:

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1. Waterdown Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06085) (Ward 15) (Item 5.1)

   a) That the 2006 operating budget for the Waterdown B.I.A. (attached as Appendix ‘A’ to Report PED06085) be approved in the amount of $46,684;

   b) That the levy portion of the operating budget for the Waterdown B.I.A. in the amount of $36,000 be approved;

   c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2006 budget as referenced in sub-section (b) above;

   d) That the following schedule of payments for 2006 be approved:

      | Month | Amount |
      |-------|--------|
      | April | $18,000|
      | July  | $  9,000|
      | October | $  9,000|

2. Tree Removal and Replacement, 21 Norfolk Street South, (Ward 1), “Kopper Meadow - Phase 1” Plan of Subdivision (Ward 11), "Almas Property” Plan of Subdivision (Ward 12), and Site Plan Application DA-03-19 “Trinity Development Group Inc.” (PED06086) (Ward 15) (Item 5.2)

   (a) That the removal and replacement of one Municipal street tree along the east side of Norfolk Street South be approved, and that all costs associated with the removal and replacement of the tree by City staff, determined to be $4,797.00, plus applicable taxes, be at the sole expense of the owners of the lands, known as 21 Norfolk Street South, attached as Appendix “A” to Report PED06086.

   (b) That the removal and replacement of twelve Municipal street trees located on the south side of Kopperfield Lane be approved, and that all costs associated with the removal and replacement of the trees by City staff, determined to be $10,558.72, plus applicable taxes, be at the sole expense of the owners of the lands, known as “Kopper Meadow – Phase 1”, attached as Appendix “B” to Report PED06086.

   (c) That the removal and replacement of thirty-five Municipal street trees located on the north side of Stone Church Road be approved, and that all costs associated with the removal and replacement of the trees by City staff, determined to be
$3,280.50, plus applicable taxes, be at the sole expense of the owner of the lands, known as “Almas Property”, attached as Appendix “C” to Report PED06086.

(d) That the removal and replacement of two street trees located on the south side of Highway No. 5 (Dundas Street) be approved, and that all costs associated with the removal and replacement of the trees by City staff, determined to be $4,780.00, plus applicable taxes, be at the sole expense of the owners of the land known as “Trinity Development Group Inc.”, attached as Appendix “D” to Report PED06086.

3. **Recommendation to Designate 5 Brock Street North, Dundas, Under Part IV of the Ontario Heritage Act (PED06087) (Ward 13) (Item 5.3)**

(a) That the designation of 5 Brock Street North, Dundas, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

(b) That the Statement of Cultural Heritage Value and Description of the Heritage Attributes, attached as Appendix A to Report PED06087, be approved.

(c) That the City Solicitor be directed to take appropriate action to designate 5 Brock Street North, Dundas, under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix B to Report PED06087.

4. **Community Liaison Committees for Various Facilities (PED06088) (City Wide) (Item 5.4)**

That Report PED06088 be received, and that the item be identified as completed, and removed from the Outstanding Business List.

5. **Demolition Permit – 153 Royal Avenue (PED06091) (Ward 1) (Item 5.5)**

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 153 Royal Avenue 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:
Planning & Economic Development Committee

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(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 Acting 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.

6. Removal of ‘H’ Holding Symbol from Lands Located at 187 Stone Church Road (Ancaster) (PED06095) (Ward 12) (Item 5.6)

That approval be given to Zoning Application ZAH-06-06, The Governing Council of The Salvation Army, owner, for removal of the ‘H’ Holding symbol from the Institutional – Holding “I-469” – ‘H’ Zone, to permit the development of a new place of worship, on lands located at 187 Stone Church Road (Ancaster), as shown on Appendix “A” to Report PED06095, on the following basis:

(a) That the zoning of the subject lands be changed from the Institutional – Holding “I-469” – ‘H’ Zone to the Institutional “I-469” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED06095, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

7. Parking for Services in Kind (PED06097) (Item 5.7)

That Report PED06097 be received.
8. Demolition Permit – 6 Brant Street (PED06098) (Ward 3) (Item 5.8)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 6 Brant Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

9. Demolition Permit – 13 Beatty Avenue (PED06099) (Ward 4) (Item 5.9)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 13 Beatty Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

10. Hamilton LACAC (Municipal Heritage Committee) Poster Account (PED06101) (City Wide) (Item 5.10)

That the capital project “LACAC Poster” Account 8109555020 be closed and the available funds of $9,175.04 be transferred to a new reserve fund titled “Hamilton LACAC (Municipal Heritage Committee) Publications Program” for the purpose of poster and publications production, as set out in Report PED06101.

11. Westdale Village Business Improvement Area (B.I.A.) Revised Board of Management (PED06104) (Ward 1) (Item 5.11)

That the following individuals be appointed to the Westdale Village B.I.A.’s Board of Management:

Chris Pattison, Casual Gourmet, 1050 King Street West
Penny Palmer, Global Village Market, 948 King Street West

12. Barton Village Business Improvement Area (B.I.A.) Revised Board of Management (PED06105) (Wards 2 & 3) (Item 5.12)

That the following individual be appointed to the Barton Village B.I.A.’s Board of Management:

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13. **Enterprise Zone Municipal Realty Tax Incentive Grant Program - Application for 221 York Boulevard, Hamilton EZ06/02 (PED06107) (Ward 2) (Item 5.13)**

   a) That Application EZ06/02 for the proposed construction of a 14 storey residential 130 unit condominium building, a reconstructed fitness club and underground parking facility located at 221 York Boulevard, Hamilton, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

   b) That City Council’s previous approval of application EZ04/06 for the lands at 221 York Boulevard on July 14, 2004 be repealed and the file be closed.

14. **Enterprise Zone Municipal Realty Tax Incentive Grant Program - Application for 89 King Street East, Hamilton EZ06/01 (PED06108) (Ward 2) (Item 5.14)**

    That Application EZ06/01 for the proposed construction of a 5 storey mixed-use building containing commercial uses on the ground floor and 16 apartment units, located at 89 King Street East, Hamilton, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

15. **Appointment of Weed Inspectors for the City of Hamilton (PED06109) (City Wide) (Item 5.15)**

    That the By-law attached to Report PED06109 to appoint Weed Inspectors for the City of Hamilton be approved.

16. **Appointment of Municipal Law Enforcement Officers for the City of Hamilton (PED06110) (City Wide) (Item 5.16)**

    That the By-law attached to Report PED06110 to amend City of Hamilton By-law No. 01-068 to Appoint Municipal Law Enforcement Officers for the City of Hamilton be approved.
17. **Amending Hamilton City Council’s Approval of Item 3 of the Fifth Report of the Transportation and Environment Committee of March 8, 1994 and the Declaration of Surplus Property and Sale of Part 1 on Reference Plan 62R-13005 Abutting 37 Strathcona Avenue North, Hamilton (PED06092) (Ward 1) (Item 5.17)**

(a) That Item 3 of the Fifth Report of the Transportation and Environment Committee, approved by Hamilton City Council on March 8, 1994, be amended to allow the existing unassumed alley over Part 2 on Reference Plan 62R-13005 to be closed and the related decision to establish a new alley on Part 1 on Reference Plan 62R-13005 be rescinded.

(b) That the lands identified as being part of Part Lot 26, Plan 359, in the City of Hamilton, more particularly described as Part 1 on Plan 62R-13005 (as shown on Appendix A to Report PED06092), and all of Property Identification Number 171470216 having an area of 174.5 square metres (1878 square feet), be declared surplus to the requirements of the City of Hamilton.

(c) That the City of Hamilton sell Part 1 on Reference Plan 62R-13005 back to the original owner, the Hellenic Community of Hamilton and District, for a nominal amount.

(d) That the Real Estate Section be directed to sell Part 2 on Reference Plan 62R-13005 to the Hellenic Community of Hamilton and District at market value upon the applicant obtaining a Judge’s Order to stop up and close the unassumed alley over Part 2 on Reference Plan 62R-13005.

(e) That Legal Services be directed to complete the appropriate By-law for Council to remove Part 2 on Reference Plan 62R-13005 from the City’s inventory of Public Highways.

(f) That the Mayor and the City Clerk be authorized and directed to execute all the necessary sale and release documents for the sale of Part 1 on Reference Plan 62R-13005, in a form satisfactory to the City Solicitor.

18. **Enterprise Zone Municipal Realty Tax Incentive Grant Program - 135 Hunter Street East, Hamilton - Letter of Understanding - EZ02/003 (PED06106) (Ward 2) (Item 5.18)**

(a) That the Enterprise Zone Tax Grant, as detailed within Report PED06106, be applied to 135 Hunter Street East, Hamilton as the redevelopment of said property is complete and the terms and conditions of the program have been satisfied.
(b) That the Mayor and City Clerk be authorized to execute the Letter of Understanding attached as Appendix “B” to Report PED06106.

AT THEIR MEETING OF APRIL 12, 2006, COUNCIL AMENDED ITEM 19, AS NOTED BELOW;

19. Building and Licencing Division Operational Review Sub-Committee Report 06-001 (Item 5.19)

(a) Building and Licensing Division Operational Review (CM05029(a)) (City Wide) – Information Report (Item 4.1)

That Report CM05029(a) - Building and Licensing Division Operational Review, be received.

THAT ITEM 19(B) OF PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-005 RESPECTING OUTSOURCING OF THE ANIMAL CONTROL PORTION OF THE BUILDING AND LICENSING DIVISION OPERATIONAL REVIEW BE DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING IN LIEU THEREOF:

(B) THAT ONE-TIME FUNDING IN AN AMOUNT NOT TO EXCEED $40,000 BE APPROVED FOR THE HIRING OF AN OUTSIDE CONSULTANT, FUNDED FROM THE TAX STABILIZATION RESERVE, TO ASSIST IN THE ANIMAL CONTROL PORTION OF THE BUILDING AND LICENSING DIVISION OPERATIONAL REVIEW.

(b) Outsourcing of the Animal Control Portion of the Building and Licensing Division Operational Review

That the General Manager of Corporate Services be directed to find the funds to hire an outside source, to assist in the animal control portion of the Building and Licensing Division Operational Review, and report back to the Building and Licensing Division Operational Review Sub-committee.
(c) Referred by Council – Item 5 of the Social Services Committee Report 06-002 - Pro-active Enforcement of Rooming Houses and Lodging Homes (Item 7.1)

That the role of proactive identification and by-law enforcement, with respect to illegal buildings (e.g. duplexes, triplexes and rooming houses/lodging homes) and how the function is managed, within the Building and Licensing Division, be added to the scope of the Building and Licensing Division Operational Review.

20. Hamilton LACAC (Municipal Advisory Committee) Meeting of February 23, 2006 (Item 5.20)

That the Hamilton LACAC (Municipal Advisory Committee) Meeting of February 23, 2006, be received.

21. Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 3087 Highway No. 56 (Glanbrook) (PED06049(a)) (Ward 11) (Item 6.1)

That approval be given to Zoning Application ZAC-05-113, by Dr. Richard Johnson, Applicant, for a change in zoning from the Existing Residential “ER” Zone to a modified General Commercial “C3-210” Zone, in order to permit a Veterinary Service Establishment, with no outside runs, for the lands located at 3087 Highway No. 56 (Glanbrook), as shown on Appendix “A” to Report PED06049(a), on the following basis:

(a) That By-law No. 06-051 be repealed in its entirety.

(b) That the draft By-law, attached as Appendix “E” to Report PED06049(a), and as amended by Committee regarding the deletion of the loading space, reduction of northerly sideyard and rewording of the landscape strip, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

22. City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located on Part of Lot 18, Concession 4, South of Highway 8 on the West side of Woodhill Road (Flamborough) (PED06100) (Ward14) (Item 6.2)
(a) That approval be given to City Initiative CI-05-L, City of Hamilton, owner, for an Official Plan Amendment to change the designation in the Flamborough Official Plan from “Extractive Industrial” to “Rural”, to permit a single detached dwelling for lands located on Part of Lot 18, Concession 4, on Woodhill Road, as shown on Appendix “A” to Report PED06100.

(b) That approval be given to City Initiative CI-05-L, City of Hamilton, owner, for a change in zoning from “EI” (Extractive Industrial) Zone to “A” (Agricultural) Zone, to permit one single detached dwelling for lands located on Part of Lot 18, Concession 4, Woodhill Road (Flamborough), as shown on Appendix “A” to Report PED06100, on the following basis:

(i) That the subject lands be rezoned from the “EI” (Extractive Industrial) Zone to the “A” (Agricultural) Zone.

(ii) That the draft By-law, attached as Appendix “B” to Report PED06100, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iii) That the proposed change in zoning will be in conformity with Official Plan for the Town of Flamborough upon finalization of proposed Official Plan Amendment No. ___.

(c) That the lands legally described as Part of Lot 18, Concession 4, former Township of Beverly, now in the City of Hamilton, as shown on Appendix “A” to Report PED06100, be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(d) That the Real Estate Section of the Development and Real Estate Division, be authorized and directed to sell the subject lands in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

23. Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 359 Winona Road (Stoney Creek) (PED06084) (Ward 11) (Item 6.3)

(a) That approval be given to the application by 16218760 Ontario Inc. c/o Marc Marini & Philip Luzi, owners, for Official Plan Amendment No.____, for a change in designation on Schedule “A” – General Land Use Plan and Schedule “A2” – Secondary Plan Winona Urban Community, from “Low Density Residential” to “Medium Density Residential”, for lands located at 359 Winona Road, in the
Winona South Neighbourhood (Stoney Creek), as shown on Appendix “A” to Report PED06084.

(b) That approval be given to Zoning Application ZAC-05-120, by 16218760 Ontario Inc. c/o Marc Marini & Philip Luzi, owners, for a change to Zoning By-law No. 3692-92, from the Single Residential “R3-21” Zone to the site-specific Multiple Residential “RM2-12” Zone, to permit the creation of eight lots for street townhouses, for part of the lands located at 359 Winona Road, as shown on Appendix “A” to Report PED06084, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED06084, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the Stoney Creek Official Plan upon finalization of proposed Official Plan Amendment No.___.

(c) That upon finalization of Official Plan No.___, and the implementing Zoning By-law, the approved Winona South Neighbourhood Plan be amended to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential”.

24. Application for a Modification in Zoning for the Property Located at 105 Nebo Road (Hamilton) (PED06093) (Ward 6) (Item 6.4)

That approval be given to Zoning Application ZAR-05-126, by the Elementary Teachers’ Federation of Ontario Hamilton-Wentworth Building Corporation, owner, for a further modification to the “M-14” (Prestige Industrial) District, Modified, to permit a Labour Organization, a Professional Membership Association, and Business and Professional Offices as additional permitted uses for the property located at 105 Nebo Road (Hamilton), as shown on Appendix “A” to Report PED06093, on the following basis:

(a) That the draft By-law, attached as Appendix “D” to Report PED06093, 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 Official Plan of the City of Hamilton.
25. Change in Zoning for Lands Located at 1725 Upper James Street (Hamilton) (PED06096) (Ward 7) (Item 6.5)

That approval be given to **Zoning Amendment Application ZAC-05-105, Fred Morison, owner**, to change the zoning from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH” (Restricted Community Shopping and Commercial) District, Modified, to permit the development of two 3-storey office buildings, for lands located at 1725 Upper James Street (Hamilton), as shown on Appendix “A” to Report PED06096, on the following basis:

(a) That the subject lands be rezoned from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH” (Restricted Community Shopping and Commercial) District, Modified.

(b) That the Draft By-law, attached as Appendix “B” to Report PED06096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(d) That upon finalization of the implementing By-law, the Allison Neighbourhood Plan be amended by re-designating the subject lands from “Single and Double Residential” and “Office and Service Commercial” to “Highway Commercial”.

(e) And that the traffic study regarding future provision of a left turn lane from Upper James onto Alderson be forwarded to Public Works staff, with direction for evaluation as part of the 2007 Budget process.

26. Official Plan Amendment and Zoning Applications for 58 Carluke Road West, Ancaster (PED06089) (Ward 12) (Item 6.6)

(a) That approval be given to **Amended Official Plan Amendment Application OPA-05-21 Oakrun Farm Barkery Ltd. (John Voortman) owner**, to amend the text of “Specific Policy Area 47” in the Ancaster Official Plan to increase the area for bakery use from 4.65 hectares to 9.3 hectares, and add “Specific Policy Area 47” to the southerly lands (Block “2”), for the lands known municipally as 58 Carluke Road West (Ancaster), as shown on Appendix “A” to Report PED06089.

(b) That approval be given to **Amended Zoning Application ZAC-05-114, Oakrun Farm Bakery Ltd. (John Voortman) owner**, for changes in zoning from Agricultural “A-324” Zone to Agricultural “A-547” Zone (Block “1”), and from Agricultural “A” Zone to Agricultural “A-547” Zone (Block “2”), to permit an
expansion to the existing Oakrun Bakery operation, for lands known municipally as 58 Carluke Road West (Ancaster), as shown on Appendix “A” to Report PED06089, on the following basis:

(i) That Block “1” be rezoned from the Agricultural “A-324” Zone to the Agricultural “A-547” Zone.

(ii) That Block “2” be rezoned from the Agricultural “A” Zone to the Agricultural “A-547” Zone.

(iii) That the draft By-law, attached as Appendix “C” to Report PED06089, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Ancaster Official Plan upon finalization of the proposed Official Plan Amendment No.___.

27. Applications for Approval of a Draft Plan of Subdivision and Zoning By-law Amendment by 2072581 Ontario Inc. (Mike Bettiol) for Lands Located at 10 McMaster Avenue (Dundas) (PED06094) (Ward 13) (Item 6.7)

(a) That approval be given to the Amended Subdivision Application 25T200521, “Marimat Gardens”, 2072581 Ontario Inc. (Mike Bettiol), owner, to establish a draft plan of subdivision comprising nineteen lots for single-detached dwellings and one block for a parkette on a new public street, for lands located at 10 McMaster Avenue (Dundas), as shown on Appendix “C” to Report PED06094, that the approval be subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06094 and the following:

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

(a) the construction of services along the frontage of Block “20”; and,

(b) one-half the cost of a 1.5m high black vinyl chain link fence to be installed between the residential lots and Block “20”;

(c) 35% of the cost for the urbanization of McMaster Avenue construction (road only), and that finance be directed to allocate the monies to complete the urbanization of McMaster Avenue;
(ii) Acknowledgement that a portion of Block 20 (parkette) will be dedicated to the City for park purposes and that the remainder, above 5%, will be funded from the former Town of Dundas' Parkland Reserve Fund at Fair Market Value;

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-05-94, 2072581 Ontario Inc. (Mike Bettiol), owner**, for changes in zoning from the “Public and Private Service (PPS) Zone” to the “Single-Detached Residential (R2) Zone” to permit the development of nineteen single-detached dwellings on individual lots on Block “1”, and from the “Public and Private Service (PPS) Zone” to the “Park and Recreation (PR1) Zone” to permit a parkette on Block “2”, on lands located at 10 McMaster Avenue (Dundas), as shown on Appendix “A” to Report PED06094, on the following basis:

(i) That Block “1” be rezoned from the “Public and Private Service (PPS) Zone” to the “Single-Detached Residential (R2) Zone”.

(ii) That Block “2” be rezoned from the “Public and Private Service (PPS) Zone” to the “Park and Recreation (PR1) Zone”.

(iii) That the draft By-law, attached as Appendix “B” to Report PED06094, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the proposed changes in zoning are in conformity with the Dundas Official Plan and the Hamilton-Wentworth Official Plan.

28. **Application for a Change in Zoning for Lands Known as 1053-1055 Barton Street East (Hamilton) (PED06069) (Ward 3) (Item 8.1)**

That approval be given to **Zoning Application ZAR-05-118, Bowlero Lanes, Haihong Chen, owner**, for an amendment to the Zoning By-law for the City of Hamilton, to amend the “H” (Community Shopping and Commercial etc.) District in order to permit a billiard hall as an additional permitted use on the lands known as 1053-1055 Barton Street East, as shown on Appendix “A” to Report PED06069, on the following basis:

(a) That the subject lands be rezoned from the “H” (Community Shopping and Commercial etc.) District to the “H” (Community Shopping and Commercial etc.) District, Modified.
(b) That the draft By-law, attached as Appendix “B” to Report PED06069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

**AT THEIR MEETING OF APRIL 12, 2006, COUNCIL AMENDED ITEM 29 AS NOTED BELOW:**

29. **Store Hours Policies and Procedures (PED06111) (City Wide) – Referred from Planning and Economic Development Committee on November 2, 2004 (Item 8.2)**

(A) THAT ITEM 29, OF THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-005, BE REFERRED BACK TO COMMITTEE FOR FURTHER DISCUSSION.

(B) THAT THE ISSUE OF SUNDAY SHOPPING BE INCLUDED IN THE REFERRAL FOR FURTHER REVIEW.

a) That the City of Hamilton adopt the Retail Business Holidays Act, R.S.O., 1990, Chapter R.30, attached as Appendix A to Report PED06111, as the authority to regulate store hours within the City of Hamilton.

b) That the draft by-law, to repeal By-law R79-202, as amended, the Regional Store Hours By-law, attached as Appendix C to Report PED06111, be enacted by City Council.

c) That the Store Hours By-law item, referred from the Planning and Economic Development Committee on November 2, 2004, be identified as completed and removed from the Planning and Economic Development Committee Outstanding Business List.

**AT THEIR MEETING OF APRIL 12, 2006, COUNCIL AMENDED ITEM 30, AS NOTED BELOW:**

30. **Brownfield Pilot Project Fund (PED06103) (City Wide) (Item 8.3)**

THAT ITEM 30 OF THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-005 BE REFERRED BACK TO COMMITTEE FOR FURTHER REVIEW OF THE FOLLOWING:
a) That the Grand Connaught Development Group Inc. be approved for funding under the Municipal Acquisition and Partnership Program (MAPP - Brownfield Pilot Project) in the amount of $229,500.

b) That the $229,500 be charged to Brownfield Capital Account #3620155102 which is funded from the 20% portion of increased assessment Environmental Remediation and Site Enhancement (ERASE) tax rebates.

c) That this grant be conditional on the Grand Connaught Development Group Inc. securing and placing the Five Diamond Hotel brand in the 112 King Street East property.

31. Process regarding “H” Removals

That consistent with current practice, and upon satisfying the condition(s) of the “H” symbol and submitting the required fee, the Director of Development and Real Estate, be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act and to prepare a By-law, in a form satisfactory to the City Solicitor, to remove the “H” Holding symbol for presentation to City Council, unless the Ward Councillor has requested that a staff report proceed to the Planning and Economic Development Committee, for its consideration.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

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

(i) one added delegation request, to be added to the Agenda as Item 4.4;

(ii) a verbal update on the SCUBE matter, which was referred back from Council on March 22, 2006, will be provided as Item 11.4.
Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Realtors Association of Hamilton-Burlington (RAHB) Ed Cooper, Chair - Government Relations Committee, respecting GRIDS (Item 4.1)

Committee approved the delegation request and directed that the delegation appear at a future meeting of Committee of the Whole.

(d) Hamilton-Halton Home Builders` Association respecting GRIDS (Item 4.2)

Committee approved the delegation request and directed that the delegation appear at a future meeting of Committee of the Whole.

(e) David Ivey respecting parking on Cross Street at Park Street (Dundas) (Item 4.3)

Committee approved the delegation request to speak to a future meeting.

(f) Ben Loewith respecting severance application for Powerline Road

Committee approved the delegation request to speak at a future meeting.

(g) Demolition Permit – 153 Royal Avenue (PED06091) (Ward 1) (Item 5.5)

Councillor McHattie requested that the alternate Recommendation, requiring building permit issuance before demolition, be approved. He explained that he had spoken to the applicant about this, and the applicant has no objections.

Committee approved the alternate recommendation.
(h) Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 3087 Highway No. 56 (Glanbrook) (PED06049(a)) (Ward 11) (Item 6.1)

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. He explained that minor amendments to the by-law are now being recommended, following the submission of the applicant’s site plan proposal. These relate to the elimination of the loading space, reduction in the northerly sideyard and revised wording for the landscape strip.

Richard Johnston, the applicant, advised Committee that he is satisfied with the staff recommendation, including the amendments.

No members of the public came forward to address Committee on the matter.

Committee approved the staff recommendation with the amendments.

(i) City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located on Part of Lot 18, Concession 4, South of Highway 8 on the West side of Woodhill Road (Flamborough) (PED06100) (Ward14) (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.

David Samis outlined the report to Committee and noted that this was a City Initiative, and thus there was no outside agent.

No members of the public came forward to address Committee on this issue.

Committee approved the staff recommendation.
Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 359 Winona Road (Stoney Creek) (PED06084) (Ward 11) (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.

Joe Muto outlined the report to Committee.

Steve Fraser, A.J. Clarke and Associates, advised Committee that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee on the matter.

Councillor Mitchell expressed concerns about dumping of garbage along Pettit Street, in the vicinity of the super mailbox, and adjacent to the railway tracks. Staff was directed to clean up the affected area and to erect a fence, if this can be done.

Committee approved the staff recommendation.

Application for a Modification in Zoning for the Property Located at 105 Nebo Road (Hamilton) (PED06093) (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.

Kristen West outlined the report to Committee.

Steve Fraser, A.J. Clarke and Associates, addressed Committee in support of the application. He introduced Sandra Emery from the Teachers’ Federation, the future occupants of the building. Ms. Emery explained that the building would be used for special meetings attended by approximately 80 persons, 7 times per year for a total of fourteen hours. These meetings take place on Tuesdays from 4:30 until 6:30 pm and thus the extra parking needs would not be present during the normal working day of the surrounding buildings and uses. She noted that during the rest of the year, the parking on site will be adequate for their use.
No members of the public came forward to address Committee on the matter.

Committee approved the staff recommendation.

(I) Change in Zoning for Lands Located at 1725 Upper James Street (Hamilton) (PED06096) (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.

Edward John outlined the report to Committee.

Mr. Morrison, the applicant, advised Committee he supported the staff recommendation.

No members of the public came forward to address Committee on the matter.

Committee discussed the matter. Councillor McHattie asked if the building could be used for mixed uses, to include residential, in the future, and staff responded that further modifications to the zoning would be needed. Chair Pearson suggested that the potential for mixed use areas should be considered in the review of the zoning by-law.

Councillors Kelly and Whitehead noted the on-going need for a left turn lane from Upper James to Alderson, and made an amendment to the recommendation, to direct consideration of this to Public Works staff for the next budget.

Gerry Davis explained that the traffic study for the area done five years was now being updated, and he and Councillor Whitehead agreed to discuss this matter further.

Committee approved the staff recommendation as amended.

(m) Official Plan Amendment and Zoning Applications for 58 Carluke Road West, Ancaster (PED06089) (Ward 12) (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.

Simon Deiaco outlined the report to Committee. He noted that 6 letters from the public had been received, expressing concerns about water issues, the septic effluent arrangements, quality of life including noise, odour and visual problems.

Ed Fothergill, the agent for the applicant, addressed Committee in support of the proposal. He provided additional background to the proposal, including details of the effluent treatment systems, on-site parking arrangements and the existing Ministry of Environment approvals.

Mr. Fothergill noted that discussions had been held with neighbours around the plant, but that further discussions would be held with those residents who had written letters of concern. He agreed that water issues raised by neighbours could be addressed by his client, through a study.

Chair Pearson advised the meeting that Councillor Ferguson and his Ancaster committee supported the proposal.

Patricia Fekete, 134 Norsworthy Road, addressed Committee and explained her concerns that this good agricultural land was not suitable for an industry. Ms Fekete noted that 400 employees using one septic system could be a problem, and reminded Committee of the contamination which had caused the Walkerton outbreak. She advised that she had advised the health unit that when the Oakrun lagoons are full, they spray water into the atmosphere.

Doug Cranston, RR# 2 Ancaster, addressed Committee and explained that Oakrun were good neighbours who were willing to work on issues as they arose. Mr. Cranston noted that while he did not object to the expansion, as a working farmer, he had concerns about the limitations which the expansion could place on the future placement of additional dairy barns on his property.

Committee discussed the issues raised by Mr. Cranston. Staff advised that a farmer in this situation can apply for a variance to the MDS II Guidelines, and that staff would be happy to work with Mr. Cranston on this process.

Committee discussed the issues raised, and had additional information supplied by staff. Councillor McHattie suggested that the water and drainage issues should be addressed before final approval, possibly by the use of an “H” Holding
provision. Staff explained that all the land use issues will be fully addressed through the site plan process which is required for the site.

Councillor Bratina said that the expansion of the plant should take place elsewhere, in an industrially zoned area and not in the agricultural area. He said that the City should not have allowed the extension of the water line to Oakrun. Councillor Bratina asked for a status update on the Hamilton Ground Water Study, by Lavalin Associates. He noted that he had asked for this update a year ago and questioned why it had been so delayed.

The City Manager noted that he would take Councillor Bratina’s questions back to staff and give them direction to provide a response.

Committee approved the staff recommendation. Councillors Bratina and McHattie requested their opposition be recorded.

(n) Applications for Approval of a Draft Plan of Subdivision and Zoning By-law Amendment by 2072581 Ontario Inc. (Mike Bettiol) for Lands Located at 10 McMaster Avenue (Dundas) (PED06094) (Ward 13) (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.

Jason Thompson outlined the report to Committee and explained an amendment to the recommendation and to the conditions of draft plan approval to require urbanization of McMaster Avenue. He explained the extensive consultation process which had taken place with the neighbours and how the applicant had modified his proposal to include a parkette in view of neighbourhood concerns about the loss of greenspace. Mr. Thompson noted that staff does not support the revised proposal, due to the small size of the parkette, and that an alternative recommendation is included in the report, if Committee chooses to approve the amended application.

Steve Fraser, A.J. Clarke and Associates, addressed Committee and thanked everyone concerned for their co-operation in this lengthy and detailed planning process. Mr. Fraser explained that while his client prefers the original design of 21 lots, the amended design of 19 lots with a parkette represented a compromise which was acceptable to all those involved.

Mary-Jane Dolbear, 15 David Street, addressed Committee on behalf of the University Gardens Greenspace Committee, and read from a prepared
document. Ms. Dolbear provided copies of her presentation to the Committee and this will become part of the public record.

Ms. Dolbear thanked everyone who had been involved in this lengthy process and spoke in favour of the amended application, which includes the provision of a parkette and keeping Penge Court as a court.

Ms. Dolbear requested the following:
- that there would be no negative impact from run-off from the site to adjacent properties
- a clear understanding of the meaning of “urbanization” of McMaster Avenue
- a written report on the sewers and lot grading plan
- copy of tree preservation plan.

Martha Robinson, 9 Penge Court, addressed Committee and expressed her concerns about the proposal, including noise, additional lots and loss of greenspace. She requested that Penge Court be kept as a court.

David Tremblay, 16 Danbury Court, addressed Committee and noted he was on the local committee. He asked for a definition of “urbanization” as it related to McMaster Avenue.

Tony Sergi explained that urbanization of a roadway would include the installation of storm sewers to replace the existing ditches.

Councillor Samson addressed Committee and explained that he had worked for 18 months on this application and that a good compromise had been reached. He noted his support for (b) and (c) as amended.

Councillor Whitehead congratulated all those involved in this lengthy process which had resulted in a plan which was acceptable to everyone. He expressed concerns that there was a need for a complete City-wide inventory of school sites where the greenspace is used for programmed recreational uses.

Councillor Kelly thanked the property owner, Mike Bettiol, for his flexibility and co-operation in dealing with the neighbourhood and achieving a good compromise. He noted that changes were needed to the Municipal Act, since the purchase of school sites is paid for through taxation but when a school site is declared surplus, additional tax dollars are required to be expended again, if a municipality wishes to have the surplus site.

Committee directed staff to respond to Ms. Dolbear’s four questions.

Committee approved staff recommendation (b) and (c), as amended.
(o) **Planning Departmental Strategic Plan and Work Program (No copy) (Item 7.1)**

Lee Ann Coveyduck provided an overview of the document, which had been previously distributed, with the aid of a powerpoint presentation.

Committee discussed the Work Programme and had various additional information supplied by staff. Issues discussed in detail included the choice of areas for Secondary Planning, progress on the new Official Plan and Zoning By-law, progress on GRIDS, the Goods and Movement and the Peak Oil Studies, efficiencies regarding de-centralization of services and functions, and strategic planning.

Committee received Ms. Coveyduck's presentation.

Chair Pearson thanked Ms. Coveyduck.

(p) **Application for a Change in Zoning for Lands Known as 1053-1055 Barton Street East (Hamilton) (PED06069) (Ward 3) (Item 8.1)**

Councillor Merulla noted that following the Public Meeting on March 7, 2006, he had talked to Councillor Morelli and the proponent. As all the concerns had been satisfied, both he and Councillor Morelli are in favour of the proposal.

Committee approved the staff recommendation.

(q) **Store Hours Policies and Procedures (PED06111) (City Wide) – Referred from Planning and Economic Development Committee on November 2, 2004 (Item 8.2)**

Neil Everson provided an overview of the staff report, the consultation process which had led up to it, and the proposal to repeal the existing Hamilton by-law and rely on the provincial legislation.

Committee discussed the matter in detail and had further information supplied by staff.

Councillor Merulla asked questions regarding Sunday shopping hours, how these would be affected by the proposed changes, and whether the existing by-law, with modifications, should be retained.
Councillor McHattie agreed with Councillor Merulla’s concerns about Sunday shopping, and noted that the City’s by-law was working well. He noted that there was no evidence of leakage of retail dollars to other communities.

Councillor Merulla proposed that the by-law be sent back to staff with instruction to amend the current by-law and add Sundays.

Ron Marini explained that proposed changes of that nature would need to go back to legal staff, for review, and thereafter to a further public meeting.

The other members of Committee spoke in favour of the staff recommendation, raising issues including choice and convenience for consumers, and flexibility for store owners particularly around holiday and special sale times.

A Motion by Councillor Merulla, seconded by Councillor McHattie, to refer the matter back to staff to incorporate the regulation of Sunday opening hours was lost.

On a Standing Recorded Vote, Committee approved the staff recommendation:

YEAS: Pearson, Bratina, Kelly, Mitchell, Whitehead
NAYS: McHattie, Merulla

Brownfield Pilot Project Fund (PED06103) (City Wide) (Item 8.3)

Neil Everson provided an overview of the staff report and introduced Tony Battaglia, the President of the Consortium working on the Grand Connaught project.

Committee discussed the matter in detail, and staff provided additional information regarding the various grants and incentives available in Downtown Hamilton, and how these programmes were being applied to the Connaught site.

Ron Marini confirmed that within the Downtown area of Hamilton, building projects are eligible to apply for all available grant and programme assistance.

Mr. Battaglia explained his group’s project for the restoration of the Connaught and that brownfield money would go towards the removal of asbestos within the building.

Committee discussed the matter in detail and had additional information supplied by staff and by the applicant.
Committee noted the importance of the restoration of the Connaught building to the Downtown as a whole, the need for additional hotel rooms and the favourable economic benefits which would result.

Councillor McHattie raised concerns about applying more than one City incentive to an individual project, and the use of brownfield money for this purpose.

Committee approved the staff recommendation.

Councillor McHattie requested his opposition be recorded.

(s) **Motions (Item 9)**

**Processing of “H” Removals from by-laws**

Councillor Kelly introduced a Motion to streamline the “H” removal process.

Committee discussed the matter and had additional information supplied by staff. Committee approved the Motion, with an amendment to address the concerns raised.

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

None

(u) **General Information (Item 11)**

(i) **Lottery Licence proceeds policy Hamilton** *(From Outstanding Business List, due April 4, 2006, no copy)*

Tom Redmond provided an overview of the progress of this item, including detailed discussions with the Finance Department.

Committee agreed with changing the due date to June 6, 2006.

(ii) **Clean up of CNR lands** *(From Outstanding Business List, due April 4, 2006, no copy)*
Ms. Coveyduck gave an update on the progress of the matter and the legal discussions which are on-going, but not yet finalized. She noted that the report should be available within 8 weeks.

(iii) Letter from Lanza Court Committee respecting delays in finishing grading, fencing, manhole coverings (From Outstanding Business List, due April 4, 2006, no copy)

Tony Sergi provided an update, noting that grading would be done in May, with fences being installed in September. Committee agreed that the report date would be revised to June 20, 2006.

(iv) Stoney Creek Urban Boundary Expansion

Chair Pearson advised that Council had referred this item back to Committee for further review. She noted that staff is working on the issue, with the parties involved and expect to be back to Committee on April 18, 2006. Chair Pearson confirmed that this matter would be listed on the Outstanding Business List.

(v) Peak Oil

Chair Pearson advised that following the discussion at the COW meeting of March 28, 2006, she had spoken to staff and was now confirming that the Peak Oil Report, as directed by Council in June 2005, will be coming to a Special COW, and not to Planning and Economic Development Committee. Chair Pearson advised that the date would be set shortly.

(vi) VIA Rail

Councillor Bratina provided an up-date regarding the progress of the VIA Rail issue. He explained that while three studies have concluded that the VIA rail station should be located in the Downtown, it has been considered necessary for the City to do its own study. The City has now hired a consultant, Brian Hollingworth, from IBI, to carry out this Study, and work will begin this week.

Chair Pearson thanked Councillor Bratina for the up-date.

(vii) Inventory of School Sites
Councillor Whitehead advised that there was a need to do an inventory of school sites, where the property was being used in recreational programming for the surrounding area. He considered that this was needed now, so that the City would be ready to make appropriate comments on future school sites which became surplus.

Tim McCabe advised that this work was already being done by Community services staff, who have the responsibility for recreational programming.

(w) Private and Confidential (Item 12)

None

(x) Adjournment

On a Motion, the Planning and Economic Development Committee adjourned at 1:30 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
April 4, 2006