Present:  Chair:  B. Bratina
Vice Chair:  Councillor R. Pasuta

Absent:  Councillor L. Ferguson – Personal Business

Staff Present:  T. McCabe, General Manager – Planning and Economic Development
M. Kovacevic – Legal
A. Rawlings, A. Grozelle – City Clerk’s Office

AT THEIR MEETING OF MARCH 31, 2010, COUNCIL AMENDED THE REPORT AS NOTED BELOW;
THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 10-006 AND RESPECTFULLY RECOMMENDS:

1. Harmonized Animal Control By-law (PED09303(a)) (City Wide) (Outstanding Business List Item) (Item 5.1)

(a) That, in addition to the 30 days for public written submissions already approved by City Council, staff be authorized to continue with further comprehensive public/stakeholder consultation, and to prepare for the Economic Development and Planning Committee’s consideration in 2011, a supplemental report summarizing all the public/stakeholder comments/issues, as well as a draft Animal Control By-law, as such might be revised in response to said consultation and the issues raised;

Council – March 31, 2010
(b) That, in advance of the comprehensive new Animal Control By-law, staff be authorized and directed to review and report on the following time sensitive matters:

(i) The regulations respecting cats being “at large” as compared to trespassing on private property;

(ii) A regulation prohibiting the owning, keeping or harbouring of any vicious or dangerous animal within the City;

(iii) A regulation prohibiting animals such as livestock, exotic animals and/or normally wild animals that have been tamed, from being at large in the City;

(iv) That an existing exemption in the City's Noise By-law respecting barking dogs in rural areas be limited to working farm dogs.

(c) That an existing exemption in the City's Noise By-law respecting barking dogs in rural areas be limited to working farm dogs, and that the City's Noise By-law be amended accordingly

2. King Street West Business Improvement Area (B.I.A.) Revised Board of Management (PED07157(a)) (Item 5.2)

That the following individuals be appointed to the King Street West B.I.A.’s Board of Management:

Erik Hess
Neil Corby

3. International Village Business Improvement Area (B.I.A.) Board of Management Revision (PED07012(b)) (Item 5.3)

That Report PED07012(b), International Village Business Improvement Area (B.I.A.) Board of Management Revision, be received for information.

4. Downtown Hamilton Business Improvement Area (B.I.A.) Expansion of Boundaries (PED10068) (Item 5.4)

a) That the Downtown Hamilton B.I.A. boundaries be expanded as identified in Appendix ‘A’ to Report PED10068;
b) That the City Clerk’s Division be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Sections 209, 210, 212 and 213 of the Municipal Act.

c) That the City Solicitor be authorized and directed to prepare the necessary amending by-law.

5. Waterdown Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2010 (PED10072) (Item 5.5)

a) That the 2010 Operating Budget for the Waterdown B.I.A. (attached as Appendix ‘A’ to Report PED10072) be approved in the amount of $92,000.00.

b) That the levy portion of the Operating Budget for the Waterdown B.I.A. in the amount of $90,000.00 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 2010 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2010 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>July</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>October</td>
<td>$22,500.00</td>
</tr>
</tbody>
</table>

And that Assessment appeals may be deducted from the levy payments.

6. Dundas Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2010 (PED10073) (Item 5.6)

a) That the 2010 operating budget for the Dundas B.I.A. (attached as Appendix ‘A’ to Report PED10073) be approved in the amount of $148,000.00;

b) That the levy portion of the operating budget for the Dundas B.I.A. in the amount of $100,000.00 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 2010 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2010 be approved:
April $50,000.00
July $25,000.00
October $25,000.00

And that Assessment appeals may be deducted from the levy payments.


That Heritage Permit (HP2009-042) be approved for the erection of a new gazebo, installation of an in-ground swimming pool, new rear patio bar and barbeque, new fencing, new address plaque, partial paving of the driveway, new driveway gate, and grading and landscaping on the designated property at 63 Mill Street South (Mill Street Heritage Conservation District) (Waterdown), as shown on Appendix “A” to Report PED01077, Waterdown, subject to the following conditions:

(a) That the applicant shall provide City Planning staff with a grading plan for the portion of the property south of the driveway, to the approval and satisfaction of City Planning staff;

(b) That the applicant shall conduct an archaeological assessment in the portion of the property south of the driveway subject to grading, and in the portion of the property subject to the construction of the pool, hot-tub, and related infrastructure;

(c) That the applicant shall advise City Planning staff on the proposed sign and plaquing for the driveway gate, to the approval and satisfaction of City Planning staff;

(d) That the applicant shall advise City Planning staff on the proposed plantings and replacement tree(s), to the approval and satisfaction of City Planning staff;

(e) That the applicant shall advise City Planning staff on the style and extent of the driveway paver pattern proposed, to the approval and satisfaction of City Planning staff;

(f) That the applicant shall advise City Planning staff on the final design, materials and details for the rear patio, barbeque and bar, to the approval and satisfaction of City Planning staff;

(g) That the applicant shall advise City Planning staff of the final design, materials and details of the pool and hot-tub to be used, to the approval and satisfaction of City Planning staff; and,

(h) That this approval expires March 31, 2012.

Council – March 31, 2010

That Heritage Permit (HP2009-076) be approved for the erection of a new single detached residence and attached garage, on the designated property at 1026 Beach Boulevard (Hamilton Beach Heritage Conservation District), Hamilton, as shown on Appendix “A” to Report PED10078, subject to the following conditions:

(a) That previously approved Heritage Permit Application HP2003-010 shall be rescinded;

(b) That final plans and elevations showing materials and colours for roofing, siding, trim, windows, doors, and garage doors be submitted, to the satisfaction and approval of Heritage staff prior to construction; and,

(c) That this approval expires on March 31, 2012.

9. Heritage Permit Application HP2010-005 Under Part V of the Ontario Heritage Act for Erection of Structures at 978 Beach Boulevard, Hamilton (PED10079) (Ward 5) (Item 5.9)

That Heritage Permit Application HP2010-005 be approved for the erection of a new single detached residence, and detached garage, on the designated property at 978 Beach Boulevard (Hamilton Beach Heritage Conservation District), Hamilton, as shown on Appendix “A” to Report PED10079, subject to the following conditions:

(a) That final scaled and dimensioned plans and elevations, showing materials and colours for roofing, siding, trim, eaves, downspouts, vents, rails, pickets, columns, hardware, windows, doors, and garage doors be submitted, to the satisfaction and approval of Heritage staff prior to construction; and,

(b) That this approval expires on March 31, 2012.

10. Annual Report on Building Permit Fees (PED10069) (City Wide) (Item 5.10)

That Report PED10069, Annual Report on Building Permit Fees (City Wide), be received for information.

Council – March 31, 2010

That the Protocol for Properties with Ontario Building Code, Ontario Fire Code and Property Standard violations being developed/redeveloped with assistance under financial incentive programs offered through the Downtown and Community Renewal Division attached as Appendix “A” to Report PED10074, be approved.

12. Amended Applications for Approval of Official Plan Amendment and a Change in Zoning for Lands Located at 56 Governor’s Road (Dundas) (PED09252(a)) (Ward 13) (Item 6.2)

(a) That the applications for **Official Plan Amendment Application OPA-08-015, St. Joseph’s Villas Corp., Owner**, for Official Plan Amendment No._____, to amend Schedule “A” of the Town of Dundas Official Plan, to modify the “Residential Neighbourhood” designation, to permit a 10 storey senior’s residence building and a 10 storey mixed-use building, on lands located at 56 Governor’s Road (Dundas), as shown on Appendix “A” to Report PED09252(a), and **Amended Zoning Application ZAC-08-069, St. Joseph’s Villas Corp., Owner**, to change the zoning on Block 1 from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space - Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified; to change the zoning of Block 2 from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space - Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified, and to change the zoning on Block 3 from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones and Single-Detached Residential (R1-FP) Zone to the Conservation/Hazard Land (P5) Zone, to permit a 10 storey, 120 unit apartment building on the south side of the property, and a 10 storey, 88 unit apartment building (including 2 storeys of office/retail uses) on the north side of the property, for lands located at the corner of Governor’s Road and Ogilvie Street (Dundas), as shown on Appendix “A” to Report PED09252(a), be refused on the following basis:

(i) that the proposal would be over intensification

(ii) that the proposal contravenes Urban Official Plan

(iii) that the proposal is contrary to “institutional” designation
13. **M & M Fine Furniture Grading and Drainage Issues (PED10052) (Ward 9) (Outstanding Business List Item) (Item 6.4)**

(a) That Report PED10052, M & M Fine Furniture Grading and Drainage Issues (Ward 9) (Outstanding Business List Item), be received for information.

(b) That the item be removed from the Outstanding Business List.

14. **Sign Variance Application SV-09-010 for the Property Known as 880 Upper Wentworth Street, Hamilton - Denied by the Director, Planning Division, and Appealed by the Applicant (PED10076) (Ward 7) (Item 6.5)**

That the Appeal of Sign Variance Application SV-09-010, by Bob Doran, on behalf of the National Bank of Canada, to permit a second ground sign located 62 metres from an existing ground sign, for the property located at 880 Upper Wentworth Street (Hamilton), as shown on Appendix “A” to Report PED10076, be DENIED on the following basis:

(a) That the proposed variance does not maintain the general intent and purpose of Sign By-law No. 06-243; and,

(b) That the proposed variance does not have regard for the four tests, as set out in Section 6.5 of By-law No. 06-243.

15. **Neighbourhood Residential Rental Housing Community Liaison Committee - Proactive By-law Enforcement Pilot Program (PED10049) (Wards 1 through 8) (Outstanding Business List Item) (Item 6.6)**

(a) That, in accordance with the direction to investigate/report with costing and an implementation plan for an 18 month proactive by-law enforcement pilot program for Wards 1 and 8, approval be given to hiring six temporary part-time Special Enforcement Officers, a temporary full-time clerk together the operating costs of 3 cars, all for a period of 18 months (cost to be financed from the Parking Reserve # 108021);
(a) That, in accordance with the direction to investigate/report with costing and an implementation plan for an 18 month proactive by-law enforcement pilot program for Wards 1 - 8, approval be given to the following:

(i) hiring six temporary part-time Municipal Law Enforcement Officers, at a cost of $450,000;

(ii) a temporary full-time clerk, at a cost of $90,000;

(iii) the allocation of $58,000 operating costs of 3 cars;

(iv) that the total cost of $598,000 for the 18 month programme be financed from the Parking Reserve #108021, and that fees and fines from the program be returned to the Reserve to off-set the costs.

(b) That the programme be extended to include Wards 1,2,3,4,5,6,7, and 8.

(c) That staff consult with the Ward Councillors of the wards included in the pilot programme, respecting focus/performance measures.

(d) That staff be directed to report back before the end of the 18 month pilot programme, with the results and associated recommendations;

(e) That Item “L1” respecting “Report 009-001 of the Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12)” be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List;

(f) That Item “L6” respecting transit/waste service improvements be removed from the Economic Development and Planning Committee’s Outstanding Business List, and be forwarded to the Public Works Committee for their action.

That Item 16 of the Economic Development and Planning Committee Report 10-006 be deferred pending completion of a noise study and a report brought back to the Economic Development and Planning Committee.

16. Application for a Change in Zoning for the Lands Located at 399 Greenhill Avenue (Hamilton) (PED10060) (Ward 5) (Item 6.7)
That approval be given to Zoning Application ZAC-09-052, by Greenhill Plaza, Owner, for a change in zoning from the “G-1” (Designed Shopping Centre) District to the “G-1/S-1627-H” (Designed Shopping Centre - Holding) District, with a Special Exemption, to permit the conversion of vacant, second floor office space into seven dwelling units, on the lands located at 399 Greenhill Avenue, Hamilton, as shown on Appendix “A” to Report PED10060, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10060, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on March 23, 2010, with respect to a new requirement that the noise study be approved by Committee, prior to the removal of the H Holding provision.

(b) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), and conforms with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

17. Proposed Official Plan Amendments and Zoning By-law Amendment Affecting Lands Located at 497 Millgrove Side Road and Part of 533 Millgrove Side Road (Flamborough) (PED10045) (Ward 15) (Item 6.8)

(a) That approval be given to Official Plan Amendment Application OPA-09-005, by the Canadian Reformed School Society of Flamborough Incorporated, Owner, for Official Plan Amendment No. _______, to amend the Official Plan for the former Town of Flamborough, to establish a Site-Specific Area to permit the expansion of an institutional use to 3.25 hectares in the Agricultural designation to provide improved servicing sustainability for the institutional use, whereas the maximum permitted land area is 2.0 hectares, for lands located at 497 Millgrove Side Road and part of 533 Millgrove Side Road (Flamborough), as shown on Appendix “A” of Report PED10045, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10045, be adopted by Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, conforms to the Greenbelt Plan, and conforms to the former Region of Hamilton-Wentworth Official Plan;

(b) That approval be given to Official Plan Amendment Application OPA-09-005, by the Canadian Reformed School Society of Flamborough Incorporated, Owner, for Official Plan Amendment No. _______, to amend the Rural Hamilton Official Plan to establish a Site-Specific Area to permit an institutional use to expand its lot area to 3.25 hectares in the Agricultural designation through a lot addition to allow for improved servicing sustainability, for lands located at 497...
Millgrove Side Road and part of 533 Millgrove Side Road (Flamborough), as shown on Appendix “A” of Report PED10045, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10045, be adopted by Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan, and conforms to the former Region of Hamilton-Wentworth Official Plan;

(c) That approval be given to Amended Zoning Application ZAC-09-023, by the Canadian Reformed School Society of Flamborough Incorporated, Owner, for changes in zoning from the Agricultural “A” Zone and the Site-Specific Institutional “I-1” Zone to the Site-Specific Institutional “I-11” Zone, with a Special Exception (Block “1”), the Site-Specific Institutional “I-11(H)” Holding Zone, with a Special Exception and Holding Provision (Blocks “2” and “3”), and the Site-Specific Conservation Management “CM-5” Zone, with a Special Exception (Block “4”), for lands located at 497 Millgrove Side Road and part of 533 Millgrove Side Road, as shown on Schedule “A” of Appendix “D” to Report PED10045, on the following basis:

(i) That the Draft By-law, attached as Appendix “D” to Report PED10045, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the amending By-law be added to Schedule A11 of Zoning By-law No. 90-145-Z;

(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan; and,

(iv) That the proposed changes in Zoning will be in conformity with the Town of Flamborough Official Plan upon approval of Official Plan Amendment No. [____], and the Rural Hamilton Official Plan upon approval of OPA No. [____].

18. Application for Changes in Zoning (ZAC-09-042) for Land Located at 130-134 Wellington Street North (Hamilton) (PED10055) (Ward 3) (Item 6.9)

(a) That approval be given to Amended Zoning Application ZAC-09-042, by Amed Dirani, Owner, for changes in Zoning from the “H” (Community Shopping and Commercial, etc.) District and the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District to the “E/S-1628” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, with a Special Exception, to permit the existing building on the site to
be converted to residential apartment units, and to allow for one business and professional office on the ground floor, for the lands located at 130-134 Wellington Street North (Hamilton), as shown on Appendix “A” to Report PED10055, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED10055, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement and the Places to Grow Plan, and conform with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(b) That upon finalization of the implementing By-law, the Landsdale Neighbourhood Plan be amended to change the designation of the subject lands from “Commercial” to “Medium Density Apartments”.

That Item 19 of Economic Development and Planning Committee Report 10-006 respecting the Urban Hamilton Official Plan – Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(c)) be referred back to the Economic Development and Planning Committee for further discussion and review

19. Urban Hamilton Official Plan - Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(c)) (City Wide) (Item 7.1)

(a) That City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for the Urban Hamilton Official Plan dated January 25, 2010, and attached as Appendix “A” to Report PED09164(c), be accepted only for those modifications referenced below:

(i) Volume 1 Parent Plan - Section A - modifications 1a, 1b, 2, 3c, 3d, 5, 7, 8a to f, 9a, 10a to 10k, except d and j, 11a, 13, 14, 16a to c, 17a and b, 18 to 21, 22b, 23b, 26, 31 b, and 31c, 32 to 34, 35 a to f, as identified in Appendix “B” attached to Report PED09164(c);

(ii) Volume 1 Parent Plan - Section C, as identified in Appendix “B” attached to Report PED09164(c); and,

(iii) Volume 2 Secondary Plans - Section D – modifications 1, 2a to 2c, and 3, as identified in Appendix “B” attached to Report PED09164(c).

(b) That City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for the Urban Hamilton
Official Plan dated January 25, 2010, be accepted for those modifications referenced below, only if the proposed wording or policy number changes are included, as identified in Appendix “B” attached to Report PED09164(c):

(i) Volume 1 Parent Plan - Section A - modifications 1c, 3a, 3e, 9b, 10j, 11b, 12, 15, 14, 27, 28, in part, 30a, 31a, and 31d; and,

(ii) Volume 3 Urban Area Specific policies and Site specific policies and Maps - Section E – modifications 2.

(c) That the City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for Urban Hamilton Official Plan dated January 25, 2010, are not acceptable for those modifications referenced below, as identified in Appendix “B” attached to Report PED09164(c):

(i) Volume 1 Parent Plan - Section A – modifications 1d, 3f, 4, 6, 10d, 22a, 23a, 25, 28 in part, 29, 30 b and c;

(ii) Volume 1 Schedules - Section B- modifications 1 and 2; and,

(iii) Volume 3 Urban Area Specific policies and Site specific policies and Maps - Section E – modifications 1 and 3.

(d) That City Council request the Ministry of Municipal Affairs and Housing:

(i) to defer the applicable policies and mapping in Volume 1 for lands in the West Harbour area, as identified on Schedule “E-1”-Urban Land Use Designations, Volume 2 - West Harbour Secondary Plan and in accordance with Official Plan Amendment 220 until such time as the matters before the Ontario Municipal Board have been resolved and an Order is issued for all or part of the lands subject to the deferral; and,

(ii) to defer a portion of the West Hamilton Innovation District, as identified on Maps B.6.4.1 and 2 of Volume 2 until such time as the matters before the Ontario Municipal Board have been resolved and an Order is issued for all or part of the lands subject to the deferral; and,

(e) That City Council request the Ministry of Municipal Affairs and Housing to make any necessary amendments to the policies and mapping of the Urban Hamilton Official Plan, as identified by any OMB order or amendments implementing the OMB orders, prior to lifting the deferral areas identified in recommendation d, above; and,

(f) That City Council request the Ministry of Municipal Affairs and Housing to include additional modifications to the Urban Hamilton Official Plan in their final decision, attached as Appendix “C” to Report PED09164(c) for the purposes of;
i) wording clarification;

ii) correcting typographical or mapping errors;

iii) implementing OMB decisions or settlements; and,

iv) implementing approved Official Plan Amendments


That Report PED10059, Rural Hamilton Official Plan - Proposed New Policies, be received for information.

21. City of Hamilton Comprehensive Zoning By-law: New Agriculture Zones and Public Consultation (PED10064) (Item 8.2)

That Report PED10064, City of Hamilton Comprehensive Zoning By-law: New Agriculture Zones and Public Consultation, be received for information.

22. Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (PED07236(b) / PW07112(b) (Wards 6, 9, and 11) (Item 8.3)

That Public Works Department and Planning and Economic Development Department staff be directed to request the Minister of the Environment to make an order for the Ontario Realty Corporation’s project to comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessments for the ORC Lands located east of the Eramosa Karst feeder creeks in the City of Hamilton, as per Report PED07236(b) / PW07112(b).

23. City of Hamilton Purchase of 5726 Twenty Road, Described as Part of Lot 14, Concession 1 in the Geographic Township of Glanbrook now in the City of Hamilton, designated as Part 2 on Plan 62R-3615, from Richard and Sharon Love (PED10066) (Ward 11)

(a) That an Option to Purchase, between the City of Hamilton and Richard and Sharon Love, scheduled to close on or before May 31, 2010 to purchase the
land described as Part of Lot 14, Concession 1 in the Geographic Township of Glanbrook, now in the City of Hamilton; designated as Part 2 on Plan 62R-3615, being all of PIN 17084-0014(LT) and known municipally as 5726 Twenty Road, shown on attached Appendix “A” to Report PED10066, be approved and completed.

(b) That Legal Services be directed to cease expropriation proceedings of Part 13 on Plan 62R-17987 from Richard and Sharon Love.

(c) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(d) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

(e) That staff be permitted to lease back the subject property to the owners, Richard and Sharon Love for a period of up to twelve (12) months at no lease consideration or property taxes, save for all utilities, water/sewer and other user costs / charges to be paid by the tenants, Richard and Sharon Love.

(f) That upon termination of the tenancy, the Director of Fleet and Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the costs for the demolition and any ancillary expenses be funded from NGIBP Reserve Account 108042.

(g) That the financial details/purchase price of the land outline in Appendix “B” attached to Report PED10066, remain confidential until such time as the transaction has been completed by Council, and that the balance of the Report PED10066 remain confidential and not be released as a public document.

24. Appeals to the Ontario Municipal Board of Official Plan Amendment Application OPA-06-26, and Zoning Application ZAC-06-99, by Upper Centennial Developments Limited, c/o Fieldgate Developments Inc. respecting 165 Upper Centennial Parkway (Stoney Creek) (Added Item 12.2A)

That the City Solicitor be instructed to advance the following positions in front of the Ontario Municipal Board Hearing respecting the subject appeals;

1. The appeal to the Ontario Municipal Board of Official Plan Amendment Application OPA-06-26, by Upper Centennial Developments Limited, c/o Fieldgate Commercial Developments Inc., for Official Plan Amendment No. -
to amend Schedule ‘A’ - General Land Use Plan, from “Residential”, “Institutional”, and “General Commercial” to “Shopping Centres”, and to amend Schedule “A3” - West Mountain Planning District (Heritage Green) Secondary Plan, from “Low Density Residential”, “Medium Density Residential”, “Institutional”, and “General Commercial” to “Community Shopping Centre”, of the City of Stoney Creek Official Plan, for the lands described as Part of Lots 25 and 26, Concession 7 (formerly in the Township of Saltfleet), now in the City of Hamilton, and located at 165 Upper Centennial Parkway (Stoney Creek);

(i) That the draft Official Plan Amendment provided to the Economic Planning and Development Committee on March 23, 2010 by the City Solicitor, in respect of this matter, is supported by Council with such minor amendments thereto as the Director of Planning and City Solicitor deem appropriate; and

(ii) That the reason Council supports the proposed Official Plan Amendment provided to the Economic Planning and Development Committee on March 23, 2010, in respect of this matter, is because it is consistent with the Provincial Policy Statement and Places to Grow Plan, and conforms to the Hamilton-Wentworth Official Plan.

2. The appeal to the Ontario Municipal Board of Zoning Application ZAC-06-99, by Upper Centennial Developments Limited, c/o Fieldgate Developments Inc., for amendments to the former municipality of Stoney Creek Zoning By-law No. 3692-92 which would result in changes in zoning from the “ND” Neighbourhood Development Zone to the Community Shopping Centre (Holding) “SC2-5(H)” Zone, with a Special Exception and Holding provision (Block 1); and to the Community Shopping Centre (Holding) “SC2-6(H)” Zone, with a Special Exception and Holding provision (Block 2), for the lands described as Part of Lots 25 and 26, Concession 7 (formerly in the Township of Saltfleet), now in the City of Hamilton, and located at 165 Upper Centennial Parkway (Stoney Creek);

(i) That the draft Zoning By-law amendment provided to the Economic Development and Planning Committee on March 23 by the City Solicitor, in respect of this matter, is supported by Council with such minor amendments thereto as the Director of Planning and City Solicitor deem appropriate;

(ii) That the amending By-law be added to Schedule “A”, Map No. 16 of Zoning By-law No. 3692-92; and,

(iii) That the reason Council supports the proposed Zoning By-law Amendment is because it is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment application
3. That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement the Ontario Municipal Board’s decision in respect of the appeal of Official Plan Amendment Application OPA-06-26 and Zoning Application ZAC-06-99 if the Ontario Municipal Board’s decision is consistent with Council’s position regarding these appeals.

4. That if the Ontario Municipal Board approves a zoning by-law amendment resulting from the appeal of Zoning Application ZAC-06-99, the Felker Neighbourhood Plan be amended to reflect the proposed changes from “General Commercial”, “Open Space”, “Low Density Residential”, and “Institutional” to “Commercial - Community Shopping Centre”.


That the City Solicitor be instructed to advance the following positions in front of the Ontario Municipal Board Hearing respecting the subject appeals;

1. The appeal to the Ontario Municipal Board of Official Plan Amendment Application OPA-09-008, by Paletta International (2000) Inc., Owners, for an official plan amendment to amend Schedule ‘A’ from “Residential” to “Open Space”, and to amend Schedule “A3” - West Mountain Planning District (Heritage Green) Secondary Plan, from “Low Density Residential”, “Medium Density Residential”, “Elementary School” and “Community Park” to “Low Density Residential”, “Medium Density Residential”, “Detention Pond”, “Medium-High Density Residential”, “Community Park” and “Elementary School”, of the City of Stoney Creek Official Plan, for the lands described as Part of Lots 25 and 26, Concession 7 (formerly in the Township of Saltfleet), now in the City of Hamilton, and municipally known as 198 First Road West (Stoney Creek);

   (i) That the draft Official Plan Amendment provided to the Economic Planning and Development Committee on March 23, 2010, by the City Solicitor, in respect of this matter, is supported by Council with such minor amendments thereto as the Director of Planning and City Solicitor deem appropriate; and

   (ii) That the reason Council supports the Official Plan Amendment provided to the Economic Planning and Development Committee on March 23, 2010, by the City Solicitor, in respect of this matter, is because it is consistent
with the Provincial Policy Statement and Places to Grow Plan, and conforms to the Hamilton-Wentworth Official Plan.

2. The appeal to the Ontario Municipal Board of Zoning Application ZAC-09-031, by Paletta International (2000) Inc., for amendments to the former municipality of Stoney Creek Zoning By-law No. 3692-92 which would result in changes in zoning from the “ND” Neighbourhood Development Zone to: the Multiple Residential “RM2-23” Zone, with a Special Exception (Blocks 1 and 2); the Single Residential “R5-10” Zone, with a Special Exception (Blocks 3 and 4); the Multiple Residential “RM4” Zone (Block 5); the Conservation/Hazard (P5) Zone (Block 6); the Single Residential “R4” Zone (Block 7); the Neighbourhood Institutional (I1) Zone (Block 8); the Community Park (P2) Zone (Block 9); and the Single Residential “R3” Zone (Block 10), for the lands described as Part of Lots 25 and 26, Concession 7 (formerly in the Township of Saltfleet), now in the City of Hamilton, and located at 198 First Road West (Stoney Creek);

(i) That the draft Zoning By-law amendment provided to the Economic Development and Planning Committee on March 23 by the City Solicitor, in respect of this matter, is supported by Council with such minor amendments thereto as the Director of Planning and City Solicitor deem appropriate;

(ii) That the amending By-law, approved by the Ontario Municipal Board, be added to Schedule “A”, Map No. 16 of Zoning By-law No. 3692-92;

(iv) That the amending By-law approved by the Ontario Municipal Board be added to Schedule “A”, Map Nos. 1505, 1551, and 1552 of Zoning By-law No. 05-200; and,

(v) That the reason Council supports the proposed Zoning By-law Amendment is because it is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment application OPA-09-008 which Council has endorsed.

3. That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement the Ontario Municipal Board’s decision in respect of the appeal of Official Plan Amendment Application OPA-09-008 and Zoning Application ZAC-06-99 if the Ontario Municipal Board’s decision is consistent with Council’s position regarding these appeals.

4. That if the Ontario Municipal Board approves a zoning by-law amendment resulting from the appeal of Zoning Application ZAC-09-031, the Felker Neighbourhood Plan be amended to reflect the proposed boundary modifications and changes to “Medium Density Residential”, “Stormwater Management

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Pond”, “Low Density Residential”, “Schools - Public Elementary”, and “Medium-High Density Residential”.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

Item 6.1 Florence Knapp, respecting proposed demolition of property at 143 Hunter Street, has withdrawn her request, as she and the Building Department have worked out the problem

One added Closed Session item, respecting two associated matters which are before the OMB, to be added as item 12.2A and 12.2B.

Committee approved the Agenda, as amended.

Chair Bratina welcomed a group of Mohawk College students, and their teacher, Shannah Evans.

(b) DECLARATIONS OF INTEREST (Item 2)

None, at the start of the meeting.

Before Item (6.5) was considered by Committee, Chair Bratina noted that he had a conflict, as he is employed by a radio station. He vacated the Chair and refrained from discussion or voting.

Before Item (6.6) was considered by Committee, Councillor Pearson declared a conflict, as she is an owner of rental property. She refrained from the discussion and voting on the item.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee meeting of March 2, 2010 were approved.
(d) DELEGATION REQUESTS (Item 4)

(i) Zoe Green, respecting Applications for Approval of Official Plan Amendment and a Change in Zoning for Lands Located at 56 Governor’s Road (Dundas) (Item 6.1 on the Agenda) (Item 4.1)

On a Motion (McHattie /Pearson) Committee agreed to hear from the delegation again, on the proviso that she should limit her remarks to new information, and that the delegation would have a maximum of five minutes.

(ii) Brian Bonham, respecting the proposed Copetown Lions’ Club Seniors’ Housing development (Item 4.2)

On a Motion (McHattie /Pearson) Committee agreed to hear from the delegation at a future meeting when the report is being presented.

(iii) Representative from HHHBA respecting Revised Tree Protection Guidelines for Development Sites, Item 6.3 on today’s Agenda

On a Motion (Duvall/Mitchell) Committee agreed to hear from the delegation.

(iv) Mike Tellerd and John Petropoulos respecting M and M Fine Furniture, Item 6.4

On a Motion (Whitehead /Clark) Committee agreed to hear from the delegation.

(v) Ed Fothergill, respecting Item 7.1 Urban Hamilton Official Plan - Draft Modifications

(vi) Ed Fothergill, Chamber of Commerce, respecting Item 7.1 Urban Hamilton Official Plan - Draft Modifications

On a Motion (Whitehead /Pearson) agreed to hear from the delegation, to speak as a representative of both his client and the Chamber of Commerce.

(vii) John Ariens, respecting the request to waive Development Charges and Parkland dedication charges for the Habitat for Humanity site at Wentworth/Barton/Burlington Street

On a Motion (Pearson /Duvall) Committee agreed to hear Mr. Ariens at a future meeting with regard to the parkland dedication matter, and referred Council – March 31, 2010
his request to speak on Development Charges to the Audit and Administration Committee.

(e) VOLUNTEER/SUB-COMMITTEE MINUTES (Item 5.12)

(i) Municipal Heritage Committee January 28, 2010 (Item 5.12(a))

The Minutes of the Municipal Heritage Committee meeting of January 28, 2010 were approved.

(ii) Economic Development Advisory Committee November 26, 2009 (Item 5.12(b))

That the Minutes of the Economic Development Advisory Committee meeting of November 26, 2009 were approved.

(iii) Agricultural and Rural Affairs Advisory Committee October 22, 2009 (Item 5.12(c))

The Minutes of the Agricultural and Rural Affairs Advisory Committee meeting of October 22, 2009 were approved.

(f) Florence Knapp, respecting request to demolish property at 143 Hunter Street, without submitting a building permit application for a new residential unit (Delegation approved by Committee on February 16, 2010 (Item 6.1)

Chair Bratina confirmed that Mrs. Knapp had withdrawn her delegation request, as she had come to an agreement with Building staff.

(g) Amended Applications for Approval of Official Plan Amendment and a Change in Zoning for Lands Located at 56 Governor’s Road (Dundas) (PED09252(a)) (Ward 13) (Item 6.2)

The Chair advised that this item was before Committee on March 2, 2010, and that after the conclusion of the Public Meeting, Committee directed staff to come back with responses to matters raised. The staff response is contained in Item 6.2.1.

Edward John was present to assist Committee and gave an overview of the details in the new staff report.

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Sergio Manchia, the applicant’s agent, advised that he had nothing further to add in support of the application.

Zoe Green, Walnut Grove, Dundas, addressed Committee and confirmed her opposition, and that of the community, to the proposed development. She referenced the recent OMB Decision to refuse the storage use in Dundas, the inappropriateness of 32 metre tall buildings on the site and the need for proper process and fairness. Ms. Green noted how the onus had been on the public to come forward on this matter and to oppose it.

On a Motion (Pearson/Mitchell) Committee received the delegation, and the added staff report.

Councillor Clark, seconded by Councillor McHattie, put forward a Motion to refuse the applications.

Councillor Clark noted the strength and calibre of the community opposition to the development, and how the opposition was not a question of NIMBY.

Chair Bratina vacated the Chair to Councillor Clark, to speak to the matter. He re-iterated the need for this type of development in Downtown Hamilton, and how additional housing in the Downtown would help change the perception of the core. He then resumed the Chair.

Councillor Whitehead noted the need for further seniors’ housing but agreed this was not the right location.

Committee refused the application.

(h) Revised Tree Protection Guidelines for Development Sites (PD02229(e)) (City Wide) (Outstanding Business List Item) (Item 6.3)

Chair Bratina advised Committee that the representatives of the HHHBA had experienced some unforeseen problems this morning, and might not be in attendance to make their delegation. He asked if the representatives had arrived. They had not.

As the representatives were not present, on a Motion (Pearson/McHattie), Committee postponed consideration of the item until a future meeting.

Councillor McHattie noted that he would be working on a potential compromise position, and that would report back to Committee on this.
(i) M & M Fine Furniture Grading and Drainage Issues (PED10052) (Ward 9) (Outstanding Business List Item) (Item 6.4)

Gavin Norman gave an overview of the staff report, with the aid of a powerpoint presentation. He explained the history of the site, the on-going efforts to resolve the situation, and outlined three possible options to deal with the issues. Mr. Norman advised that staff favoured Option 3, but that further detailed plans had to be completed.

John Petropoulos, accompanied by Mike Tellerd, addressed Committee and explained the company’s problems with grading and drainage, since other sites had been developed around them. He explained the difficulties faced by the business and how Option 3, as proposed by staff, would still not solve their problems.

He added that the company is concerned that the proposed Option 3 might make the problem worse, and that in the future, they do not know what would happen if they need to expand. Mr. Petropoulos advised Committee that the company cannot accept Option 3, as proposed.

Committee continued their discussion of the matter and had further information supplied by staff.

On a Motion, Committee received the delegation and the staff report, and removed the item from the Outstanding Business List.

Committee then agreed to continue the discussion of the matter at the Closed Session portion of the meeting, when they could receive advice from the City Solicitor.

(j) Sign Variance Application SV-09-010 for the Property Known as 880 Upper Wentworth Street, Hamilton - Denied by the Director, Planning Division, and Appealed by the Applicant (PED10076) (Ward 7) (Item 6.5)

Jason Thompson provided an overview of the staff report, and explained why staff is recommending against the granting of a variance to allow an additional pylon sign on the property.

Chair Bratina advised that he had a conflict, as he worked for a company which also uses advertising. He vacated the Chair to Councillor Pasuta.

Bob Doran, agent for the applicant, the National Bank, addressed Committee in support of the sign variance request. His points included the following:
with new sign installed, National Bank will have better visibility, will then remove their name from existing pylon sign and allow two tenants in plaza to add their names to the sign.

- New sign will not upset existing landscaping or appearance of the site
- well designed sign, costing approximately $15,000
- New sign will be 62 metres away from existing pylon sign on site
- There are other sites in the immediate area where pylon signs do not meet the distance separations required in Sign By-law.

Committee discussed the issues raised, and noted that the approval of this variance could set a precedent, and that the new Sign By-law had been arrived at following a long and detailed process, and should be adhered to.

Committee approved the staff recommendation to deny the sign variance application.

Chair Bratina resumed the Chair.

(k) Neighbourhood Residential Rental Housing Community Liaison Committee - Proactive By-law Enforcement Pilot Program (PED10049) (Wards 1 and 8) (Outstanding Business List Item) (Item 6.6)

Councillor Pearson declared a conflict on the item, as she owns rental property.

Marty Hazell provided an overview with the aid of a powerpoint presentation. Copies of the presentation and the additional information were provided to Committee.

Mr. Hazell explained that at the last meeting, Committee had directed staff to consider the expansion of the programme to Wards 1 through 8, and to bring back information on the implications.

Mr. Hazell explained how the process had evolved with the CLC, and that the consensus was to concentrate on the enforcement of existing by-laws first, use a pilot project to target the problem properties and to leave the possibility of licensing rental properties for a later consideration. He noted that extending the programme to Wards 1 through 8 would be a positive move, as these were the Wards where most calls relating to problems are received.

Following the pilot project, staff will report back to Council on the results and experience gained, with further recommendations for the future.

Committee discussed the issue and considered the possibility of extending the Pilot Project from twelve months to eighteen months. Councillor Collins noted his support for the expansion of the programme to the additional wards, and that this would be an investment in the community.

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Staff noted that figures included in their presentation for the 12 month programme could be re-worked, for an 18 month programme, in time for Council.

On a Motion (McHattie/Duvall) Committee approved an amendment to the original staff report, to include the extension of the programme to include Wards 1 through 8, together with the associate financial and staffing details.

Committee then approved the staff report, as amended.

On a Motion (McHattie/Duvall), Committee then directed staff to finalize the cost for an extension of the programme to 18 months, and to have that information available by Council on March 31, 2010, where it would be handled as an amendment to the recommendation.

(I) Application for a Change in Zoning for the Lands Located at 399 Greenhill Avenue (Hamilton) (PED10060) (Ward 5) (Item 6.7)

Chair Bratina advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Matthews Blevins was present to assist Committee and explained the details of the application. He explained the need for additional greenspace for the proposed residential units, the need for a Site Plan approval for the changes to the site and the imposition of a Holding Zone until the Record of Site Condition and noise study are completed.

Tony Valpontesta, Bousfields, the applicant’s agent, addressed Committee in support of the application. He noted his agreement to the imposition of the
Holding Zone, pending the finalization of the Noise Report, and agreed with the concept of a warning clause respecting noise on the apartment leases.

Lorraine Avery, 207 – 30 Harrisford Street, addressed Committee and raised concerns including, but not limited to, the following:

- ongoing concerns respecting operation of plaza, noise, delivery trucks delivering early morning, garbage issues
- frequent contact with plaza operators and City By-law staff about her complaints
- concern that addition of residential units could lead to further problems
- where are garbage containers for the new units being placed?

No other members of the public came forward to address the Committee.

Committee continued their discussion on the matters raised and noted the following points:

- existing patio on the property is allowed by zoning, will this have an adverse impact on new residential units
- can covenants be placed on residential units advising of noise issues
- will new tenants be upset by noise of delivery/garbage pickup, will this create new problems
- can noise study be completed for review and approval of Committee, instead of approval by Planning staff.

Staff confirmed that it would be appropriate, and that an extra condition could be added as an amendment to the staff recommendation.

The applicant’s agent said that Council already has the safeguard built in, as there is no final land-use agreed until the “H” is removed.

Committee noted their preference for reviewing and then approving a noise study prior to the lifting of the H provision.

On a Motion (McHattie/Whitehead), Committee approved an amendment to require that an additional condition be included to ensure that the Noise Study is brought back for Committee approval, before the H-Holding removal by-law is presented to Council for passage.

Committee then approved the amendment.

Committee approved the staff recommendation, as amended.

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(m) Proposed Official Plan Amendments and Zoning By-law Amendment Affecting Lands Located at 497 Millgrove Side Road and Part of 533 Millgrove Side Road (Flamborough) (PED10045) (Ward 15) (Item 6.8)

Chair Bratina advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Clark/Whitehead), Committee dispensed with the planner's presentation.

Cam Thomas was present to assist Committee.

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

Committee approved the staff recommendation.

(n) Application for Changes in Zoning (ZAC-09-042) for Land Located at 130-134 Wellington Street North (Hamilton) (PED10055) (Ward 3) (Item 6.9)

Chair Bratina advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.
b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Mitchell/McHattie), Committee dispensed with the planner’s presentation.

Melanie Pham was present to assist Committee.

Greg Weekes, the applicant’s agent, advised that he supported the staff recommendation.

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

Committee approved the staff recommendation.

(o) Urban Hamilton Official Plan - Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(c)) (City Wide) (Item 7.1)

Joanne Hickey-Evans addressed Committee and gave an overview of the report, with the aid of a power point presentation. Highlights of the report included:

- changes to the manner in which Elfrida is addressed, for clarity
- Ministry does not favour the use of an “employment reserve” and staff is continuing to work on this with the Ministry
- Various minor corrections, typographical errors have been fixed
- land use at Highways 5 and 6 still needs to be finalised, staff still working on this and should be ready for Council
- following Council, will advise Ministry of the agreement on the modifications, and a final decision could be expected before Summer
- when MMA issues its decision, there will be a 20 day appeal period. If there are appeals, there will be an OMB Hearing
- staff are not clear on the process which would be followed if MMA do not accept the Council position on the modifications.

Ed Fothergill addressed Committee on behalf of his clients, Flamborough Power Centre Inc.. He explained the outstanding issues of concern and noted that he was still working with staff on the matter.

Ed Fothergill then addressed Committee, on behalf of the Hamilton Chamber of Commerce, in support of the staff report.
On a Motion (McHattie/Clark), Committee received the delegation and the additional letter from the Chamber of Commerce.

Committee then resumed their discussion.

On a Motion (Mitchell/Pasuta), Committee approved an amendment to the report to delete the reference to 480-500 Centennial Parkway and 20 Warrington Street, as that OMB Decision has now been rendered; as follows:

That recommendation (d)(iii) of Report PED09164c be deleted in its entirety, and,

That the recommendation 46 in Appendix “C” be amended to delete the words "Deferred pending resolution of the OMB hearing" to “Changes required as a result of Minutes of Settlement between the City and Confederation Park Shopping Centres”.

On a Motion (Mitchell/Clark), Committee approved direction to staff to work further with the Ministry on the “employment reserve” matter adjacent to the Airport, in order to bring an additional recommendation to Council on March 31, 2010.

On a Motion (Clark/Mitchell), staff was directed to continue their work on the land-use issues at Highway 5 and 6, in order to bring an additional recommendation to Council on March 31, 2010.

The Chair noted these items could be handled as amendments to the staff report, when the EDP Report is presented to Council on March 31, 2010.

(p) Rural Hamilton Official Plan - Proposed New Policies (PED10059) (Item 8.1)

On a Motion (Mitchell/Pasuta), Committee waived the staff presentation.

Joanne Hickey-Evans was present to assist Committee.

Committee received the staff report.

(q) City of Hamilton Comprehensive Zoning By-law: New Agriculture Zones and Public Consultation (PED10064) (Item 8.2)

Council – March 31, 2010
On a Motion (McHattie/Whitehead), Committee waived the staff presentation.

Councillor McHattie expressed concerns about the ambiguity on whether buildings are allowed in a Conservation/Hazard zone. He agreed to speak further with staff, outside the meeting.

Committee received the staff report.

(r) **Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (PED07236(b) / PW07112(b) (Wards 6, 9, and 11) (Item 8.3)**

Brenda Khes was present to assist Committee with the report.

Councillor Clark noted continuing concerns with the Karst feeder areas and advised that City staff has been exemplary here, in their dealings with ORC staff and in keeping on top of the issues. He added that there have been 326 “bump-up” requests on this matter, and that this one will be number 327.

Councillor Clark continued that Cabinet will make the final decision, and not ORC.

Committee approved the staff recommendations.

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

None

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

None

(u) **GENERAL INFORMATION (Item 11)**

(i) **Book House, 167 Book Road East, Ancaster (Item 11.1)**

*Due date: March 23, 2010*

Mr. McCabe explained that there is no longer a need to keep this item on the Outstanding Business List, as it is now included in the Priority List being worked on by staff. He added that Councillor Ferguson is in agreement with this approach.

Council – March 31, 2010
On a Motion (Whitehead/Pasuta), Committee approved the removal of the matter from the Outstanding Business List.

(ii) Copetown Lions proposed Seniors’ Housing (Item 11.2)
Due date: March 23, 2010
Proposed new date: May 18, 2010

On a Motion (Pasuta/Pearson), Committee approved the new date.

(iii) City response to grading and drainage issues (Item 11.3)
Due date: March 23, 2010
Proposed new date: April 20, 2010

On a Motion (Pearson/Mitchell), Committee approved the new date.

(iv) Potential rental housing registry (Item 11.4)
Due date: March 23, 2010
Proposed new date: April 6, 2010

(v) Potential partnership with McMaster and Mohawk, respecting their Voluntary landlord Certification Programmes (Item 11.5)
Due date: March 23, 2010

(vi) Potential of developing with McMaster and Mohawk, a Community Liaison Outreach Co-ordinator (Item 11.6)
Due date: March 23, 2010
Proposed new date: April 6, 2010

Mr. McCabe explained that discussions had taken place between staff and Councillor McHattie, and it appeared desirable to have all three matters considered on May 4, 2010.

On a Motion (McHattie/Whitehead), Committee approved the new date.

(viii) News from the General Manager (Item 11.7)

Mr. McCabe noted a number of points including:

- an appeal has been made to the OMB respecting Council’s lack of decision on 1540 Upper Gage
- new fence by-law will be coming to Committee on April 6, 2010.
On a Motion (Pearson/Whitehead), Committee agreed that the report respecting the Fence By-law could be released early to permit additional time for public review prior to the meeting.

- Cadbury’s/Ewen Road Student Housing issue – the noise report has been submitted to staff, and a report will be brought forward to Committee.

- Report on the Brow Lands is in final stages.

Councillor Whitehead requested he be given advance warning of the date of the public meeting, in order that he can have a gathering in his ward, ahead of the meeting.

- Councillor Mitchell asked if an item regarding barking dogs in the rural area could be lifted out of the staff report, considered today as Item 5.1, and approved now, as a separate Motion.

The Clerk explained the procedural issues involved, and Chair Bratina suggested that this item could be handled at Council. The Clerk was directed to send information respecting the proposed Motion to Councillors, ahead of the Council meeting, and to prepare a Motion for consideration at the Council meeting.

(v) PRIVATE AND CONFIDENTIAL (Item12)

12.1 Proposed land acquisition, Glanbrook

12.2A Appeals to the Ontario Municipal Board of Official Plan Amendment Application OPA-06-26, and Zoning Application ZAC-06-99, by Upper Centennial Developments Limited, c/o Fieldgate Developments Inc. respecting 165 Upper Centennial Parkway (Stoney Creek) (Added Item )

12.2B Appeals to the Ontario Municipal Board of Official Plan Amendment Application OPA-09-008, and Zoning Application ZAC-09-031, by Council – March 31, 2010
Paletta International (2000) Inc. Owners, respecting 198 First Road West (Stoney Creek) and Zoning Application ZAC-09-031, by Paletta International (2000) Inc. Owners, respecting 198 First Road West (Stoney Creek) (Added item)

6.4 M and M Fine Furniture

At noon, Committee moved into Closed Session to consider items which are subject to Section 8.1 of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matters pertain to a proposed or pending acquisition or disposition of land by the municipality or local board, respecting land adjacent to the airport, to matters which are presently before the Ontario Municipal Board, respecting Fieldgate Developments, Upper Centennial Parkway and Paletta International, First Road West and to property upon which legal advice is needed.

On a Motion, Committee resumed in Open Session, at 1:15 pm.

Chair Bratina advised that Committee had met in Closed Session, to consider a number of items.

Committee passed a Motion to approve the staff recommendation respecting the proposed land acquisition in Glanbrook (See Item 23)

Committee passed a Motion to approve the staff recommendation respecting the Fieldgate OMB appeal (See Item 24)

Committee passed a Motion to approve the staff recommendation respecting the Paletta OMB appeal (See Item 25)

With respect to the matter of M and M Fine Furniture, Chair Bratina added that staff had been provided with appropriate direction, and that there was nothing further to report.

(w) ADJOURNMENT (Item 13)

On a Motion (Pearson/Mitchell), the meeting adjourned at 2:37 pm.

Respectfully submitted

Bob Bratina, Chair
Economic Development & Planning Committee

Alexandra Rawlings

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