THE FOLLOWING ITEM WERE REPORTED TO COUNCIL:

1. The Regulation of Improperly Plated Vehicles under the On-Street Parking By-law (PED06180) (City Wide) (Item 5.1)
   (Kelly/Mitchell)
   (a) That, in order to improve the delivery of enforcement services respecting “abandoned vehicles”, Section 12(5) of City of Hamilton Parking By-law No. 01-218 be amended such that no person shall park any vehicle, of any class, that
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committee

(council – june 28, 2006)
does not bear a valid license plate, on any highway for any period of time exceeding four consecutive hours.

(b) That a by-law in the form attached as “appendix a to report ped06180” be passed and enacted, accordingly.

carried

2. Application for a Variance to the Dundas Sign By-law, 40 Cootes Drive (Dundas) (ped06191) (ward 13) (item 5.2)
(kelly/mitchell)
that approval be given to sign variance application sv-06-02, enterprise incorporated, owner, to permit a ground sign, with a maximum height of 5.3 metres instead of the maximum permitted height of 4.57 metres, for lands located at 40 cootes drive (former town of dundas), as shown on appendix “a” to report ped06191, on the following basis:

(a) That the ground sign shall have a maximum height of 5.3 metres.

(b) That the ground sign shall include the municipal street address number in numerals that are a minimum 15 centimetres in height.

carried

3. Demolition Permit – 67 Ray Street North (ped06195) (ward 1) (item 5.3)
(mchattie/whitehead)
that the director of building and licensing be authorized and directed to issue a demolition permit for 67 ray street north in accordance with by-law 74-290 pursuant to the demolition control provisions of section 33 of the planning act, as amended, subject to the following conditions:

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

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

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

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the city clerk outlined in sub-section (e)) in a form satisfactory to the director of building and licensing and to the city solicitor; and,

council – june 28, 2006
(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.

CARRIED

4. Enterprise Zone Municipal Realty Tax Incentive Grant Program – 66 Bay Street South, Hamilton – Grant Payments – EZ03/004 (PED06196) (Item 5.4)  
(Kelly/Mitchell)  
That Report PED06196 be received.

CARRIED

5. Enterprise Zone Municipal Realty Tax Incentive Grant Program – 11 Rebecca Street, Hamilton – Grant Payments – EZ03/004 (PED06197) (Item 5.5)  
(Kelly/Mitchell)  
That Report PED0197 be received.

CARRIED

6. Demolition Practices in the City (PED06199) (City Wide) (Item 5.6)  
(Kelly/Mitchell)  
(a) That Report PED06199 be received.

(b) That the Item regarding Demolition Practices be removed from the Outstanding Business List.

CARRIED

7. Canadian Pacific Railway Liaison Committee-Minutes of April 10, 2006 (Item 5.7)  
(Kelly/Mitchell)  
That the Canadian Pacific Railway Liaison Committee Minutes of April 10, 2006 be received.

CARRIED
8. Renaming of “Given Road” in the City of Hamilton (Ancaster) (PED06171) (Ward 12) (Item 6.1) (Braden/McHattie)

That approval be given to the following:

(a) To rename “Given Road”, in the former Town of Ancaster, to “McClure Road”, identified on Appendix “A” to Report PED06171.

(b) That the draft By-law, attached as Appendix “B” to Report PED06171, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

CARRIED

9. Application for a Change in Zoning for Lands Located at 17 Gavin Drive (Flamborough) (PED06188) (Ward 14) (Item 6.2) (Bratina/Whitehead)

That approval be given to Zoning Application ZAR-06-26, Dwayne Johnson, owner, for a change in zoning from the Settlement Residential “R2-15” Zone to the Settlement Residential “R2-7” Zone to permit one new single detached dwelling, for lands located at 17 Gavin Drive (Flamborough), as shown on Appendix “A” to Report PED06188, on the following basis:

(a) That the subject property be rezoned from the Settlement Residential “R2-15” Zone to the Settlement Residential “R2-7” Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED06188, 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 and Flamborough Official Plans.

CARRIED

10. Amended Application for a Change in Zoning for Lands Located at 85 Robinson Street (Hamilton) (PED06187) (Ward 2) (Item 6.3) (Bratina/Kelly)

That approval be given to Amended Zoning Application ZAC-05-98, V & R Investments and Matterhorn Construction, owner(s), for a change in zoning from the current “RT-10” – ‘H’ (Townhouse – Holding) District, Modified, to the “RT-30” – ‘H’ (Street - Townhouse – Holding) District, Modified, to permit the development of 44 freehold townhouse units, for lands located at 85 Robinson Street (Hamilton), as shown on Appendix "A" to Report PED06187, on the following basis:

Council – June 28, 2006
(a) That the subject lands be rezoned from the “RT-10” – ‘H’ (Townhouse – Holding) District, Modified, to the “RT-30” – ‘H’ (Street - Townhouse – Holding) District, Modified.

(b) That the Draft By-law, attached as Appendix “C” to Report PED06187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(i) That the applicant submit a signed Record of Site Condition (RSC) to the City of Hamilton, Director of Development and Real Estate, and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “RT-30” District, Modified provisions, by enactment of an amending By-law once the condition is fulfilled.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

CARRIED

11. Application for a Modification in Zoning for the Property Located at 2804 King Street East (Hamilton) (PED06179) (Ward 5) (Item 6.4)

(Merulla/McHattie)

That approval be given to Zoning Application ZAR-06-22, by Tamlann Investments, c/o Salvatore Destro, owner, for a further modification to the “HH/S-1007” (Restricted Community Shopping and Commercial) District, Modified, to permit an animal hospital/veterinarian practice for the lands located at 2804 King Street East, as shown on Appendix “A” to Report PED06179, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED06179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

CARRIED
12. Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 627 Barton Street and 327-333 Fruitland Road (Stoney Creek) (PED06190) (Ward 10) (Item 6.5)

(Kelly/Braden)

(a) That approval be given to **Official Plan Amendment Application OPA-06-03, by Multi-Area Developments (Aldo DeSantis), and John and Colette Deveau, owners, for Official Plan Amendment No.______, to the Official Plan for the former City of Stoney Creek, on the lands municipally known as 327-333 Fruitland Road, as shown on Appendix “A” to Report PED06190, on the following basis:

(i) That Schedule “A”, General Land Use Plan, be amended from “Industrial Business Park” to “General Commercial”.

(b) That approval be given to **Zoning Application ZAC-06-11, by Multi-Area Developments (Aldo DeSantis), and John and Colette Deveau, owners, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, to further modify the General Commercial “GC-47” Zone, and to change from the Special Purpose Industrial “MSP” Zone to the General Commercial “GC-47” Zone, in order to permit the development of a commercial plaza including a motor vehicle service station/gas bar and car wash on the lands known as 627 Barton Street and 327-333 Fruitland Road, shown as Blocks “1” and “2” respectively on Appendix “A” to Report PED06190, on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED06190, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until an archaeological assessment has been completed to the satisfaction of the Ministry of Culture and the Manager of Development Planning.

(ii) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.

(iii) That the zoning will be in conformity with the Official Plan for the former City of Stoney Creek upon the approval of Official Plan Amendment No._____.

CARRIED
13. Application for a Change in Zoning for Lands Located at 728 Sanatorium Road, Hamilton (PED06183) (Ward 8) (Item 6.6)

(Whitehead/Kelly)
That approval be given to Zoning Application ZAC-06-10, Columbia International College (c/o Jim Campbell), owner, for a change in zoning from the “AA” (Agricultural) District, Modified, to the “AA”-“H” (Agricultural – Holding) District, Modified, to permit the development of a second student residence for 350 students, for lands located at 728 Sanatorium Road (Hamilton), as shown on Appendix "A" to Report PED06183, on the following basis:

(a) That the subject lands be rezoned from the “AA” (Agricultural) District, Modified, to the “AA”-“H” (Agricultural - Holding) District, Modified.

(b) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time as a Servicing Study for capacity of the existing sanitary sewers has been submitted and approved, to the satisfaction of the City’s Manager of Development Engineering.

City Council may remove the ‘H’ symbol, and thereby give effect to the “AA” District, Modified, provisions as stipulated in the By-law, by enactment of an amending By-law once the condition is fulfilled.

(c) That the draft By-law, attached as Appendix “B” to Report PED06183, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment, until the owner pays all outstanding municipal taxes to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

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

CARRIED

14. Residential Care Facilities and Retirement Homes in the “B” (Suburban Agriculture and Residential etc.) Zoning Districts – Former City of Hamilton (PED06194) (Wards 1, 4-8) (Item 6.7)

(Merulla/McHattie)
That approval be given to an amended City Initiative 99-A, to amend Zoning By-law No. 6593, as amended by By-law 01-143, to repeal and replace the residential care facilities and retirement homes, and associated performance standards, for lands located within the “B”, “B-1” and “B-2” (Suburban Agriculture and Residential etc.) Zoning Districts (former City of Hamilton), on the following basis:
(a) That By-law No. 01-143 be amended by deleting Subsections 4, 5, and 6 in their entirety.

(b) That Zoning By-law No. 6593 be amended in accordance with the attached draft Zoning By-law marked as Appendix A to Report PED06194, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed changes to the Zoning By-law are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

CARRIED

15. Applications for Approval of a Draft Plan of Subdivision and Change in Zoning by Sulphur Springs Development Corp. (D. Carnicelli) for Lands Located at Ryckman’s Corners - 80 Springside Drive (Hamilton) (PED06131) (Ward 7) (Item 8.1)

(Whitehead/McHattie)

(a) That approval be given to Amended Subdivision Application 25T200515, “Ryckman’s Corners”, Sulphur Springs Development Corp. (D. Carnicelli), owner, to establish a draft plan of subdivision, comprising seventeen lots for single-detached dwellings and a new cul-de-sac, and that staff be directed to prepare the required documents for presentation to Council, based on the sketch presented to Committee on June 20, 2006;

(b) That approval be given to Amended Zoning Application ZAC-05-70, Sulphur Springs Development Corp. (D. Carnicelli), owner, to change the zoning from the “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified, to permit the development of seventeen single detached dwellings on separate lots, on lands located at 80 Springside Drive (Hamilton), and that staff be directed to prepare the required documents for presentation to Council based on the sketch presented to Committee on June 20, 2006;

CARRIED

16. Renovation Proposal for Rooftop Sign at 115 King Street East (Item 6.9)

(Merulla/Whitehead)

That the proposed renovation of the rooftop sign at 115 King Street East be endorsed, in principle.

CARRIED
17. Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) (Item 8.2) (Whitehead/Mitchell)

(a) That approval be given to the application by HAD Developments (c/o Al Goulding), owner, for Official Plan Amendment No.___, for a portion of the property located at 1050 Paramount Drive (Stoney Creek), as shown on Appendix “A” to Report PED06167, for a change in designation on Schedule “A” – General Land Use Plan from “Shopping Centres” to “Residential”, and on Schedule “A3” – Secondary Plan West Mountain Planning District Heritage Green Section from “Neighbourhood Shopping Centre” to “Medium Density Residential”.

(b) That approval be given to Zoning Application ZAC-05-125, by HAD Developments (c/o Al Goulding), owner, for a change in zoning from the Local Commercial “LC-5” Zone to the Multiple Residential “RM2-14” Zone (Block “1”), to permit eight street townhouses having frontage onto Mistywood Drive, and for a further modification to the Local Commercial “LC-5” Zone (Block “2”), to permit a medical clinic within the existing commercial plaza, on the property located at 1050 Paramount Drive (Stoney Creek), as shown on Appendix “A” to Report PED06167, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED06167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 10, of Zoning By-law No. 3692-92.

(iii) That upon finalization of the implementing Zoning By-law, the Albion Neighbourhood Plan and the Heritage Green Neighbourhood Plan be amended to reflect the change in designation from “Commercial – Neighbourhood Shopping Centre” to “Medium Density Residential”, applicable to Block “1”, as shown on Appendix “A” to Report PED06167.

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

CARRIED
18. Applications for Approval of Draft Plan of Subdivision, “Summit Park Addition – Phase 2”, and an Amendment to Glanbrook Zoning By-law No. 464, for Lands Located on the Southwest Corner of Pinehill Drive and Fletcher Road, Former Township of Glanbrook (PED06166) (Ward 11) (Item 8.3) (Mitchell/Merulla)

(a) That approval be given to **Subdivision Application 25T-200603, by Multi-Area Developments Inc. (Aldo DeSantis), owner**, to establish a draft plan of subdivision, known as “Summit Park Addition – Phase 2”, on lands located at the southwest corner of Pinehill Drive and Fletcher Road (Glanbrook), as shown on Appendix “A” to Report PED06166, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06166, as revised by Committee on June 20, 2006, to delete Clause 22, in its entirety, and to renumber Clauses 23-25 accordingly, and the following:

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

(ii) That payment of Cash-in Lieu of parkland be required, pursuant to Section 42 of the **Planning Act**, prior to the issuance of each building permit for the lots within the plan of subdivision. The payment will be based on the value of the lands on the day prior to the day of the issuance of each building permit;

all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to **Zoning Application ZAC-06-08, by Multi-Area Developments Inc. (Aldo DeSantis), owner**, for a change to Zoning By-law No. 464 from the General Agricultural “A1” Zone to the site-specific Residential “R4-173(A)” Zone for lands located at the southwest corner of Pinehill Drive and Fletcher Road (Glanbrook), as shown on Appendix “A” to Report PED06166 on the following basis:

(i) That the draft By-law, attached as Appendix “E” to Report PED06166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “J” of Zoning By-law No. 464.

(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and to the Township of Glanbrook Official Plan.
(c) That approval be given to grant relief from the provisions of Region of Hamilton-Wentworth Setback By-law No. 2613 for the lands on the west side of Fletcher Road, as shown on Appendix “A” to Report PED06166, to permit building setbacks of 17.25 metres from the centreline of Fletcher Road instead of the required 21.3 metres.

(d) That the draft By-law to implement Recommendation (c), attached as Appendix “F” to Report PED06166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

CARRIED

19. Applications to Amend the Hamilton-Wentworth Official Plan, Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law on Lands Known as 8229 English Church Road (Glanbrook) (PED06147) (Ward 11) (Item 8.4)
   (Mitchell/Whitehead)
   That the application for Regional Official Plan amendment ROPA-05-02, Official Plan Amendment OPA-05-08 and Zoning By-law Amendment ZAC-05-58, by Hamilton Sod (Steve Schiedel), owner, to permit the creation of two lots for existing single detached dwellings, and to change the zoning from the Private Open Space “OS1-131” Zone and “OS1-132” Zone to the Existing Residential “ER” Zone on a portion of the lands known as 8229 English Church Road, as shown on Appendix “A” to Report PED06147, BE APPROVED subject to the following conditions being imposed by the Committee of Adjustment for any consent (severance) application:
   
   (a) That appropriate provisions be built into a registered agreement requiring a warning clause to be included in all Offers to Purchase, Rental Agreements and Deeds giving notice of potential noise generated by the activities at the airport which may interfere with the enjoyment of the property.

   (b) That appropriate provisions be built into a registered agreement requiring submission of noise study and implementation of any mitigation requirements related to airport activity noise for any new construction beyond that which exists at the date of passage of the Zoning By-law.

   CARRIED

20. Surplus Property, Ontario Realty Corporation: Baseline Road and North Service Road (PED05077(a)) (Ward 11) (Item 8.6)
   (Mitchell/Whitehead)
   (a) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to
advise the Ontario Realty Corporation that the City of Hamilton has an interest in purchasing the north east corner of the North Service Road and Baseline Road land (see attached Appendix A and A-1 to Report PED05077(a) that has been declared surplus by Ontario Realty Corporation, and

(b) That the funding required be taken from the City Property Purchases Reserve, Account No. 100035.

CARRIED

21. **Ontario Veteran Licence Plate Parking By-law Exemptions (PED06157) (City Wide) (Item 8.7)**

(Merulla/Kelly)

(a) That the operators of vehicles displaying an Ontario veteran licence plate be exempted from paying parking fees in all municipal parking facilities and at all on-street parking meters on November 11th of each year.

(b) That a By-law, in the form attached as “Appendix A to Report PED06157”, and as amended by Committee on June 20, 2006 to delay the date of enforcement until January 1, 2007, be passed and enacted to amend the Municipal Parking Facilities By-law and the On-Street Parking By-law accordingly.

(c) That correspondence be forwarded to the Ministry of Transportation Ontario requesting that consideration be given to the issuance of a separate and distinctive graphic licence plate to veterans who served in WWI, WWII or in Korea during the Korean War as a member of the Canadian Armed Forces or as a member of an allied force or in the Merchant Navy or Ferry Command, as distinguished by the Ontario veteran licence plate criteria.

CARRIED

22. **Appeal of the City of Hamilton Committee of Adjustment (Urban) Decision to Approve Severance Application GL/B-06:36 Anna Alves (Owner), 9620 Twenty Road West (Former Township of Glanbrook) (PED06181) (Ward 11) (Item 8.8)**

(Braden/McHattie)

That Council agrees to the following actions, as detailed in Report PED06181, respecting the appeal of the City of Hamilton Committee of Adjustment (Urban) Consent/Land Severance Application GL/B-06:36 (Anna Alves), 9620 Twenty Road West, former Township of Glanbrook, as shown on Appendix “A” to Report PED06181, approved by the Committee of Adjustment (Urban) but recommended for denial by the Planning and Economic Development Department:

Council – June 28, 2006
(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment (Urban) to approve application GL/B:06-36.

(b) That Council direct appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing.

CARRIED

23. Appeal of the City of Hamilton Committee of Adjustment (Urban) Decision to Approve Minor Variance Application FL/A-06:80, 59 Dundas Street East (Former Town of Flamborough) (PED06192) (Ward 15) (Item 8.9)

(Mchattie/Merulla)

That Council agrees to the following actions, as detailed in Report PED06192, respecting the appeal of the City of Hamilton Committee of Adjustment (Urban) Minor Variance Application FL/A-06:80, 59 Dundas Street East, former Town of Flamborough, as shown on Appendix “A” to Report PED06192, approved by the Committee of Adjustment (Urban) but recommended for denial by the Planning and Economic Development Department:

(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment (Urban) to approve application FL/A:06-80.

(b) That Council direct appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing.

CARRIED

24. Parkland Dedication Fee Calculation – CNIB Student Housing Redevelopment Project, 1686 Main Street West (Application ZAC-05-29, 2098601 Ontario Inc., c/o Robert Manherz, owner)

(Mchattie/Merulla)

Whereas, this 106 unit student housing development on the site of the former CNIB building in west Hamilton will house some 450 students, leading to the possibility of freeing up approximately 90 student houses in the Ainslie-Wood Westdale neighbourhoods for re-conversion to family homes, and;

Whereas, the proponent is providing open space around the development, including naturalizing ravine lands in the adjoining ESA, investigating development of a trails system, and noting the close proximity of hydro lands and McMaster University lands for student recreational use, and;
Whereas, parkland dedication fees for student rental buildings in other campus towns are less than the calculation being suggested by City staff (i.e. $45,580 in Waterloo; $29,680 in London; versus $515,000 as per City of Hamilton staff), and;

Whereas, the City of Hamilton has two different calculation methods, with the alternative method specifically outlining its use in “redevelopment” situations: that is, at 5% of the value of residential use, and 2% of commercial use (note that this is identical to approaches used in Guelph, Toronto, and Kingston, other university towns);

Therefore, be it resolved that the Parkland Dedication Fee for the CNIB redevelopment project be calculated using Section 3(a) of the City of Hamilton Bylaw 03-199, and that the amount payable to the City of Hamilton by 2098601 Ontario Inc. be $87,194.25 (based on a land value of $1.8M, with $85,323.74 for residential and $1,870.50 for commercial).

CARRIED

25. **ROP A 9 - Allocation of Additional Units (Added Item)**
(Mitchell/Merulla)
That with regard to the allocation of additional units within the ROPA 9 area, and with regard to the letters of agreement form the affected landowners, (attached to PED Report 06-010 as Appendix 1), the following be approved;

(a) The re-allocation of a portion of the remaining 109 unit allotment available to Multi-Area Developments Inc., to register the lots subject of application 25T200603 and ZAC-06-08, and to draft approved subdivision 25T-200412, provided the total Multi-Area Developments Inc. allotment of 475 units is not exceeded as a result of the reallocation, and,

(b) An additional 180 to 225 adult community units may be considered for registration and construction, subject to the outcome and results of a Traffic Impact Study under Secondary Plan policy B.3.7.2.1 d. ii).

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) **Changes to the Agenda**

The Clerk advised of the following changes to the Agenda:

(i) Item 6.7 Residential Care Facilities to be considered at 10:30 am;
Committee approved the delegation request for the July 10, 2006 meeting, then approved the Agenda, as amended.

Chair Pearson requested that staff discuss the issues raised in the delegation request with the affected parties, ahead of the July 10 meeting date.

(b) **Declarations of Interest**

Councillor Braden noted an interest in Item 6.2, Gavin Drive, as he is the former owner of the property. He noted he would refrain from discussing and voting on the matter.

(c) **Approval of Minutes**

The Minutes of the Planning & Economic Development Committee meeting held on June 6, 2006 were approved as presented.

(d) **Demolition Permit – 67 Ray Street North (PED06195) (Ward 1) (Item 5.3)**

Councillor McHattie noted that he had been advised that the demolition application had been withdrawn.

Staff suggested that the report be dealt with, as they had not been officially informed of this by the applicant.

In the circumstances, Councillor McHattie proposed that the staff recommendation be approved, as amended, to require the submission of a building permit application.

Committee approved the application, as amended.
Demolition Practices in the City (PED06199) (City Wide) (Item 5.6)

Councillor Whitehead asked for further information regarding the recent demolition on Balfour Avenue. Staff explained that demolitions are regulated through the Building Code Act and that staff would investigate the items raised, particularly the possibility of the “loophole” raised by Councillor Whitehead.

Renaming of “Given Road” in the City of Hamilton (Ancaster) (PED06171) (Ward 12) (Item 6.1)

A Public Meeting was held.

Chair Pearson advised that an additional submission had been received from Jim Green.

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

Paul Toffoletti outlined the report to Committee.

Shirley Shaver-Cranston addressed Committee in opposition to the change in name. She noted that the road had been given to the Town of Ancaster by her ancestors and that the name commemorated that gift.

In addition, she explained that the name “McClure” was not historically significant to this part of Ancaster and could be better used elsewhere. Ms. Shaver-Cranston suggested the use of the name “Gerald” as having more historical significance for this area.

Chair Pearson thanked the delegation.

Committee approved the staff recommendation.

Application for a Change in Zoning for Lands Located at 17 Gavin Drive (Flamborough) (PED06188) (Ward 14) (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 Falletta outlined the report to Committee.

Dwayne Johnson addressed Committee in support of the application. Mr. Johnson noted that he had spoken to several of the neighbours in the area, and had received positive comments regarding his proposed single detached homes.

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

Committee approved the staff recommendation.

Councillor Braden refrained from voting on the matter.

(h) Amended Application for a Change in Zoning for Lands Located at 85 Robinson Street (Hamilton) (PED06187) (Ward 2) (Item 6.3)

A Public Meeting was held.

Chair Pearson advised that additional submissions had been received from Faye Gimbey and Heather Nolan.

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

Heather Travis outlined the report to Committee.

Ed Fothergill addressed Committee in support of the application. In response to questions from Councillor Bratina, Mr. Fothergill agreed that the applicant would continue to work with the Durand Neighbours. Ms. Travis confirmed that the Durant Neighbourhood Association would be involved in the Site Plan process.

John Hawker addressed Committee on behalf of the Durand Neighbourhood Association. He noted that the Association supported the plan, in general, but still had concerns regarding the need for a 4-way stop at Robinson and Park. He requested that the City monitor this intersection, after the construction is complete.

Mr. Hawker also noted the importance of walkways on the north and south sides of the site and the need for attention to the design of the building facades.
The delegate emphasized the importance of the provision to the Association of a list of heritage pieces salvaged from the former Thistle Club, and their re-use, through the Site Plan approval process.

Mr. Hawker then explained the on-going problem regarding grading on the site, and the continued hazards posed by the gaps in the hoarding surrounding the property. He noted that the present owners, Molinaro, are selling to Londonderry, and the deal requires that the hoarding be addressed before it is finalized.

Sean Murray addressed Committee on behalf of Londonderry, the prospective owners of the development. Mr. Murray agreed that it was Londonderry’s intent to honour the former use of the site, to re-use artifacts from the old Thistle Club where this was feasible, and to name the development “Thistle Place”. Mr. Murray confirmed that Londonderry would work with the Durand Neighbourhood Association through the Site Plan process.

In response from questions from Councillor Bratina on the use of property standards procedures to address on-site problems, Ms. Coveyduck agreed to work to rectify the holes in the fence.

Bill Grey, 72 Charlton, addressed Committee and asked about the construction schedule, staging, completion, and the appearance of the development.

Mr. Murray agreed to work with Mr. Grey on these questions.

Staff explained that the units would be freehold, notwithstanding their lack of frontage on a public street.

Following further discussion, Committee approved the staff recommendation.

(i) Application for a Modification in Zoning for the Property Located at 2804 King Street East (Hamilton) (PED06179) (Ward 5) (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.

Joe Muto outlined the report to Committee.

Henry Merling, the applicant’s agent, addressed Committee in support of the application. Mr. Merling thanked staff for their work on the matter.

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

(j) Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 627 Barton Street and 327-333 Fruitland Road (Stoney Creek) (PED06190) (Ward 10) (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.

Paul Moore outlined the report to Committee and explained that the area is primarily industrial north of Barton Street, with some commercial and then residential to the south.

Steve Spicer addressed Committee on behalf of the applicant, and supported the staff recommendation.

Corey Pattenden, 618 Barton East, addressed Committee and expressed his concerns to Committee. He focused on the issues of traffic, noise, truck parking and lack of compatibility with the exiting residential uses. Mr. Pattenden suggested that the application be deferred until the completion of a noise study and a parking study. He noted that the noise experienced by the residents is due to the commercial development in the area and not the truck traffic from the industrial area, and requested noise attenuation measures. Mr. Pattenden noted that there are serious compatibility issues in this neighbourhood and that additional commercial development would just make matters worse.

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

Committee discussed the matter and had additional information supplied by staff and the speaker. Staff confirmed that waste handling would be addressed at the site plan stage.

Chair Pearson relinquished the Chair to First Vice-Chair Mitchell, in order to address Committee as the Ward Councillor. Councillor Pearson gave an overview of the development history of the area, noting the issues of trucks and their use of the road allowance for temporary parking. She noted that the completion of the Red Hill Expressway should ease the amount of truck traffic using the area.

Councillor Mitchell relinquished the Chair to Councillor Pearson.
Committee approved the staff recommendation.

(k) Application for a Change in Zoning for Lands Located at 728 Sanatorium Road, Hamilton (PED06183) (Ward 8) (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.

Edward John outlined the report to Committee and explained that five letters of objection had been received from the public, citing concerns about traffic, curfew for the students, litter, noise and reduction in land values.

In response to a question from Councillor Whitehead, staff confirmed that the Chedoke Secondary Plan was underway but not yet completed.

John Ariens, Planning and Engineering Initiatives Ltd., addressed Committee on behalf of the applicant, Columbia College. Mr. Ariens supported the staff recommendation. He explained that the existing student residence on the site, in the former nurses’ residence, had been approved by the OMB several years ago.

Columbia now wished to build an additional residence on the site to house their growing student population. Mr. Ariens confirmed that Columbia pays their taxes by installment, and are current on their installments, with one more to go.

Joe Molnar, 112 West 35th Street, addressed Committee and explained some of the neighbourhood’s concerns. He noted concerns regarding curfews, fencing, the use and location of basketball courts, lighting and the height of the proposed building.

Committee discussed the proposal and had additional information supplied by the delegate and by staff. Councillor Whitehead noted that the applicant had organized a community open house for the new project and had always been quick to fix problems when they were identified. He also advised the was no desire to re-construct a basketball court on the site.

Councillor Whitehead confirmed that a number of the issues raised by the community could be addressed at the site plan stage.

Committee approved the staff recommendation.
Councillor Whitehead expressed concerns about how the balance of the Chedoke Lands would be developed, and noted that the land directly across the street would be preserved as a passive park.

I. Residential Care Facilities and Retirement Homes in the “B” (Suburban Agriculture and Residential etc.) Zoning Districts – Former City of Hamilton (PED06194) (Wards 1, 4-8) (Item 6.7)

A Public Meeting was held.

Joanne Hickey-Evans provided an overview of the report and gave an outline of the City’s consultation process and study regarding the residential care facilities, which had started in 1999, for the former City of Hamilton. She confirmed that the subject by-law relates only to the former City of Hamilton and is intended to correct perceived errors in the process of the approval of By-law 01-143 in 2001. Ms. Hickey-Evans noted that the intent of By-law 01-143 was to include Residential Care Facilities in B districts, and that the B districts are located on Hamilton Mountain, all subject to separation distances. A copy of Ms. Hickey-Evans’ presentation was provided for the public record.

Committee asked a number of questions and Ms. Hickey-Evans confirmed that the Study referred to was initiated by and therefore only applied to, the former City of Hamilton. She explained that the new Comprehensive Zoning By-law would address the location of these facilities across the entire City, and that at present, Ancaster is the only former municipality where the facilities are not permitted “as-or-right”. Staff also advised that the City licences municipal residential care facilities but not Federal or Provincial ones, and that “as-of-right” zonings do not require any approval, locational requirements or communications with the community.

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 a written statement of the Public Meeting.

Chair Pearson noted that a request had been made to allow Len Gaik to address Committee for longer than the normal five minute maximum, as he was representing a number of residents. Committee agreed that as a representative of several people, Mr. Gaik should be allowed extra time.

Len Gaik addressed Committee and reading from a prepared statement expressed concerns regarding the proposed zoning amendment. A copy of Mr. Gaik’s presentation was provided to the Clerk, for the public record.

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Mr. Gaik’s comments related primarily to the location of a residential care facility on Elmhurst Drive and included but were not limited to the following concerns:

- lack of adequate medical supervision
- lack of inspections and overview of residential care facilities in general
- increased heavy traffic on neighbourhood
- high cost to government and taxpayer of housing people in such facilities
- high cost of renovating an existing home which was already in good condition

Councillor Jackson asked whether staff could check on the actual value of the work being done on the house on Elmhurst. Tom Redmond agreed to request an audit of the actual value of the work being done.

Miriam della Pasqua, Elmhurst Avenue, advised Committee that Mr. Gaik had spoken for her.

Myrna Paron, 89 Elmhurst, addressed Committee and explained her concern that the facility is a business, with high traffic needs and that a business should not be allowed to locate in a single family neighbourhood. She noted that while a need for such facilities existed, this was the wrong location as there was no bus route nearby and no parks in the area.

Phyllis Dagg, 79 Elmhurst, addressed Committee and also noted the unsuitability of the site for the proposed facility, as there are no buses or shops nearby. She noted that the home would need deliveries of groceries and other requirements and that the occupants could present difficulties for the neighbours.

Doug McDonald, 84 Elmhurst, addressed Committee and presented a petition from area residents, in opposition to the establishment on the Residential Care Facility on Elmhurst.

Alex George, 116 Elmhurst, addressed Committee and explained that he was not opposed to the by-law, but that some of its aspects needed further attention. He suggested the need for locational requirements for such facilities, including separation from known hazards. Mr. George also considered that the remodeling of the existing home was too expensive and did not represent a good use of tax dollars.

Doreen Leaney, 26 Pinehurst, addressed Committee as an area resident and mother. Ms. Leaney explained that brain injuries can happen to anyone, as a result of illness, injury or accident. She explained that her own special needs daughter, who had died aged 14, could well have benefited from the proposed facility on Elmhurst. She noted that the future residents deserved a good place to live, just like everyone did. She noted her support for the proposal.
Brian Thompson, 334 Main Street West, addressed Committee as a health professional who works with brain damaged patients. He noted that the confidentiality and privacy of future occupants of facilities were of paramount importance and that residents are not able to get details about any new neighbours moving in. Mr. Thompson explained that taxi-cabs and DARTS vehicles are not an overwhelming traffic issue and that NIMBY issues were being raised by the residents against a health care facility. Mr. Thompson asked Council to approve the zoning.

Chair Pearson thanked all those who had spoken on this matter.

Committee discussed the application in detail and had additional information supplied by staff. Committee considered the possibility of mediation regarding the siting of facilities, the definition and operation of “as-of-right” zoning, the need to extend this zoning to all areas of the City, including Ancaster, the demonstrated need for such facilities, how these facilities could be integrated within neighbourhoods, and the community’s desire to know what was happening in their area versus the requirement to maintain privacy and confidentiality for the occupants of such facilities.

Committee noted that the City of Burlington has a process whereby an organization proposing a group home must have an open house or public meeting, to familiarize the neighbourhood with their proposals.

On a Motion by Councillor McHattie, seconded by Councillor Whitehead, the following was passed;

That staff be directed to investigate and report back the process used in Burlington for the establishment of group homes or other care facilities, and to report back, to Committee with a recommendation for a separate by-law, if considered appropriate.

Committee agreed on the need to extend the by-law under consideration to all areas of the City. Ms. Coveyduck explained that the new Comprehensive Zoning By-law, including provisions for the whole City, would be ready at the end of 2007, or start of 2008. Committee expressed concern about this timing gave directed for staff to report back on the pros and cons of advancing the new requirements for residential care facilities, and how this would impact the existing work plan.

On a Motion, Committee approved the staff recommendation. Councillor Mitchell requested that his opposition be recorded.
(m) Victor Veri respecting availability of information in Planning Department (Delegation approved by Committee, May 16, 2006) (Item 6.8)

Mr. Veri was not present to address Committee.

Staff advised that Mr. Veri would be contacted to see if he wished to attend a future meeting to address Committee.

(n) Edward Graydon respecting renovation of rooftop sign at 115 King Street East (Delegation approved by Committee, June 6, 2006) (Item 6.9)

Mr. Graydon addressed Committee and explained the proposed renovation of the rooftop sign at 115 King Street East.

Mr. Graydon provided Committee with a copy of his handouts, which will become part of the public record.

He explained that while construction permits have been issued, a zoning restriction is stopping the renovation proceeding.

Mr. Graydon explained the details of the renovation, its importance to the Downtown and provided a Petition in support of the project.

He requested that the third-party (billboard) sign at this location be grandfathered in the new Sign By-law.

Staff was directed to look into the issue of revenue generation from signage along major roadways such as the QEW and the Linc.

Tom Redmond explained that within the former City of Hamilton, signs are still regulated through the zoning by-law. He explained that if the sign is legally in place and currently in use, it can be grandfathered in the new Sign By-law. Mr. Redmond noted that there are some legal issues with this matter, and that Mr. Graydon has not been able to provide the required affidavit that the sign is third party.

Ms. Coveyduck confirmed that there were three options for the applicant;

- provide a sworn affidavit that the sign is third party and has continued in use
- make a zoning by-law amendment application now
- wait until new Sign By-law in place and apply for a Minor Sign Variance, under the Municipal Act.

On a Motion, Committee endorsed the proposal, in principle.
Chair Pearson thanked the delegation.

(o) **Applications for Approval of a Draft Plan of Subdivision and Change in Zoning by Sulphur Springs Development Corp. (D. Carnicelli) for Lands Located at Ryckman’s Corners - 80 Springside Drive (Hamilton) (PED06131) (Ward 7) (Item 8.1)**

Councillor Kelly explained that since the tabling of the item, discussions had continued between the parties concerned, and that a revised plan had been worked out. While this plan was not acceptable to all of the residents, he noted that it showed the reduction of proposed units from 18 to 17, and some improvements regarding the design and siting of some of the units.

Sergio Manchia, Planning and Engineering Initiatives, gave further details of the revised plan noting the reduction in lots from 18 to 17 and the design and setback changes.

Committee discussed the changes and had additional information provided by staff. Councillor Kelly noted support for the changes but requested that the lots be reduced further, to a total of 15.

Councillor Mitchell agreed with Councillor Kelly, noting the history and character of the existing neighbourhood should be respected.

Committee approved the revised recommendation. Councillors Kelly and Mitchell requested their opposition be recorded.

(p) **Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) (Item 8.2)**

Chair Pearson advised Committee that following the tabling of the matter, Councillor Bruckler had met with the proponents, and was now satisfied with the plan.

Committee approved the staff recommendation.
Applications for Approval of Draft Plan of Subdivision, “Summit Park Addition – Phase 2”, and an Amendment to Glanbrook Zoning By-law No. 464, for Lands Located on the Southwest Corner of Pinehill Drive and Fletcher Road, Former Township of Glanbrook (PED06166) (Ward 11) (Item 8.3)

Chair Pearson noted that a revised recommendation, worked out by staff and the applicants to address the issues outstanding at the last meeting, had been circulated this morning.

Mary Lou Tanner, Public Works, provided an overview of the revised recommendations, noting that the developers were satisfied with the recommendation presented today.

Committee discussed the issue in detail and had additional information supplied by staff.

Councillor Mitchell noted his concern for traffic safety, and said that he would like the junction of the new road and Rymal to be signalized.

Committee approved the staff recommendation, as amended.

Committee passed a separate Motion regarding the allocation of lots within the ROPA 9 area.

Applications to Amend the Hamilton-Wentworth Official Plan, Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law on Lands Known as 8229 English Church Road (Glanbrook) (PED06147) (Ward 11) (Item 8.4)

Chair Pearson noted that Committee had approved the applicant’s recommendation for approval at their meeting of June 6, 2006, in place of the staffs recommendation to refuse the applications. Chair Pearson explained that staff had distributed a revised recommendation for approval this morning.

Tim McCabe provided an overview of the revised recommendation. He explained that some of the applicant’s suggested conditions could not be incorporated into a zoning by-law, and that these could only be put in place through conditions of severance.

Committee approved the revised conditions of approval.
(s) **Good Shepherd, 143 Wentworth Street South – Relief From Cash-in-Lieu of Parkland Dedication and Building Permit Fees (PED06156/FCS06050) (Ward 3) (Item 8.5)**

Chair Pearson noted that Councillor Merulla had requested a further tabling of this matter.

Committee agreed to table the item to the July 10, 2006 meeting.

(t) **Surplus Property, Ontario Realty Corporation: Baseline Road and North Service Road (PED05077(a)) (Ward 11) (Item 8.6)**

David Adames provided an overview of the report and the staff recommendation not to purchase the subject property as a site for a new tourist information centre.

Committee discussed the matter in detail. Mayor DiIanni spoke in favour of locating a tourist information centre on this site, noting the need for promotion for the City on this busy highway and major entry point to the City for cross-Border traffic, and the strong possibility of partnering with the private sector.

Staff provided a rough overview of the cost of construction and operation.

Councillor Mitchell noted this was the last potential site on the QEW for the construction of a tourist information centre.

Committee considered the purchase of the site, the need for the preparation of good business plan and the need for partnering with the private sector.

Committee approved a recommendation to purchase the site for a tourist office.

(u) **Ontario Veteran Licence Plate Parking By-law Exemptions (PED06157) (City Wide) (Item 8.7)**

Marty Hazell provided an overview of the staff recommendation.

Councillor Morelli advised that he and staff had consulted with the Veterans’ Committee on the ways to address this issue. He noted that they were in support of the staff recommendation.

Councillor Morelli proposed that the By-law not come into force until January 2007, to allow time for an educational process to take place.
Committee approved the revised recommendation.

(v) Appeal of the City of Hamilton Committee of Adjustment (Urban) Decision to Approve Severance Application GL/B-06:36 Anna Alves (Owner), 9620 Twenty Road West (Former Township of Glanbrook) (PED06181) (Ward 11) (Item 8.8)

Joe Gravina provided an overview of the staff report.

George Zajac, Planning and Engineering Initiatives, addressed Committee on behalf of the applicant and explained his support of the Committee of Adjustment decision to approve the severance on private services. Mr. Zajac noted this represented reasonable infill, and provided Committee with a letter in support of the severance.

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

Committee approved the staff recommendation.

(w) Appeal of the City of Hamilton Committee of Adjustment (Urban) Decision to Approve Minor Variance Application FL/A-06:80, 59 Dundas Street East (Former Town of Flamborough) (PED06192) (Ward 15) (Item 8.9)

Joe Gravina provided an overview of the staff recommendation.

Committee discussed the matter and approved the staff recommendation.

(x) Motion respecting parkland dedication at 1686 Main Street West

Councillor McHattie spoke to his Motion to reduce the parkland payable at the subject site, explaining the research he had carried out.

Committee discussed the matter. Staff advised that the parkland dedication had been calculated using the approved by-law and could not be directly compared with figures from other municipalities.

Committee approved the Motion.
(y) Notices of Motions (Item 10)

None

(z) Lanza Court Committee respecting delays in finishing grading, fencing, manhole coverings (due date June 20, 2006) (Item 11.1)

Lee Ann Coveyduck explained that the outstanding matters were being addressed.

On a Motion, Committee removed the matter from the Outstanding Business List.

(aa) Report on funding of Licensed Mechanic position (due date June 20, 2006) (Item 11.2)

Ms. Coveyduck provided an update and explained that Human Resources was satisfied that there would be no additional cost to the City related to the requirement regarding the hiring if a licensed mechanic.

On a Motion, Committee removed the item from the Outstanding Business List.

(bb) Private and Confidential (Item 12)

None

(cc) Adjournment (Mitchell/Braden)

On a Motion, Committee adjourned at 4.32 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
June 20, 2006

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