Planning and Economic Development Committee

AMENDED REPORT 06-009

June 6, 2006

9:30 a.m.
Council Chambers
Hamilton City Hall

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

Also Present: Councillors, P. Bruckler, B. Morelli

Absent: Councillor M. Ferguson – illness

Staff Present: G. Peace – City Manager
L. Coveyduck, General Manager - Planning and Development
T. McCabe, P. Mallard, T. Sergi, A. Fletcher, H. Travis,
S. Murray, P. Mason, J. Muto, K. West, J. Thompson,
P. Delulio, P. Moore, D. Falletta, J. Downey
B. Montgomery - Planning and Development
S. Renshaw – Economic Development
M. Tanner, C. Lee-Morrison - Public Works
A. Zuidema - Legal
A. Rawlings – City Clerk's Office

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

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS REPORT 06-009 AND RESPECTFULLY RECOMMENDS:

1. Minutes of the Task Force on Cleanliness and Security in the Downtown Core Meeting held on February 1, 2006 – For Information Purposes Only (Item 5.1)

That the Minutes of the Task Force on Cleanliness and Security in the Downtown Core, dated February 1, 2006, be received.

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2. Committee of Adjustment (Urban) Minor Variance Application HM/A-06:35, for Property Known as 1400 Upper James Street, City of Hamilton - Supported by the Planning and Economic Development Department (PED06168) (Ward 8) (Item 5.2)

(a) That Report PED06168, respecting Committee of Adjustment Application (Urban) Minor Variance Application HM/A-06:35, 1400 Upper James Street, City of Hamilton, as shown on Appendix ‘A’ to Report PED06168, denied by the Committee but supported by the Planning and Economic Development Department, be received.

(b) That the applicant’s appeal be supported, and that appropriate staff from Legal Services and Planning be directed to attend the Ontario Municipal Board Hearing.

3. Commercial Property Improvement Grant Program (C.P.I.G.) Applications (PED06174) (Wards 1, 2, 3, 4, 13, 15) (Item 5.3)

a) That the applications recommended for approval and identified within Appendix ‘A’ to Report PED06174 be approved for funding according to the terms and conditions of the Commercial Property Improvement Grant Program (C.P.I.G.);

b) That applicants of properties with outstanding taxes be notified that a condition of the grant is that their property taxes must be paid in full prior to any grant monies being advanced for completed work, and that no grant funds will be paid out until the condition is met and, if the property taxes are not paid in full within one (1) year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant will be considered void;

c) That unallocated grant monies resulting from taxes not being paid or applicants not proceeding with renovation of their properties, be utilized for future loan and grant programs administered by the Downtown Renewal Division for Hamilton’s Business Improvement Areas;

d) That the grant portion in the total amount of $78,063.07 be funded by Capital Project 8200603610;

(e) That the Director of Downtown Renewal, Planning and Economic Development Department, be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion referenced in sub-section (d) above is not exceeded and said grant is in accordance with the program rules;
f) That the Director of Downtown Renewal, Planning and Economic Development Department, be authorized to approve a maximum extension period of one (1) year to applicants for the completion of works, over and above the one (1) year period applicants are given that commences the date Council approves their grant; and,

g) That staff be authorized and directed to prepare and execute Letters of Understanding with Council-approved applicants, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

4. Demolition Permit – 761 Knox Avenue (PED06177) (Ward 4) (Item 5.4)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 761 Knox Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

5. Demolition Permit – 577 Burlington Street East (PED06176) (Ward 3) (Item 5.5)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 577 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

6. Demolition Permit – 1725 Upper James Street (PED06178) (Ward 7) (Item 5.6)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 1725 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

7. Lottery Licence Proceeds Policy – Status of Reporting Procedures Service Clubs and Legions (PED06184) (City Wide) (Item 5.7)

(a) That Report PED06184, respecting Lottery Licence Proceeds Policy, be received.

(b) That the Minister of Consumer and Business Services be requested to review the regulations which address the use of lottery proceeds for those service clubs and Royal Canadian Legion branches that own their buildings.

Council – June 14, 2006
(c) That the item respecting Lottery Licence Proceeds Policy be removed from the Outstanding Business List of the Planning and Economic Development Committee.

8. **Eligibility for Lottery Licensing of Municipal Museums and Public Libraries (PED06185) (City Wide) (Item 5.8)**

(a) That Report PED06185, respecting Eligibility for Lottery Licensing of Municipal Museums and Public Libraries, be received.

(b) That the item be removed from the Planning and Economic Development Committee’s Outstanding Business List.

9. **Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2665 Binbrook Road East (Glanbrook) (PED06160) (Ward 11) (Item 6.1)**

That approval be given to Zoning Application ZAC-06-13, by Dr. Hasija Vujovic, Owner, for a change in zoning from the Existing Residential “ER” Zone to the modified General Commercial “C3-212” Zone in order to permit a Dental Office, for the lands located at 2665 Binbrook Road East (Glanbrook), as shown on Appendix “A” to Report PED06160, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED06160, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “H”, Binbrook Settlement Area, of Zoning By-law No. 464.

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

10. **Application to Amend the Flamborough Zoning By-law 90-145-Z for Property Located at 1143 Edgewood Road (PED06164) (Ward 14) (Item 6.2)**

That approval be given to Zoning Application ZAR-06-17, Mark and Michelle Pagliacci, owners, to modify the Agricultural “A” Zone in order to permit a Garden Suite for a maximum period of ten years, for lands located at 1143 Edgewood Road, former Town of Flamborough, as shown on Appendix “A” to Report PED06164, on the following basis:
(a) That the Agricultural “A” Zone provisions applicable to the subject lands, be amended in accordance with Section 39 of the Planning Act, R.S.O 1990, to add a Garden Suite as a permitted use for a maximum period of ten years.

(b) That the Draft By-law, attached as Appendix “B” to Report PED06164, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until:

(i) The owner enters into an “Occupancy Agreement” with the City, which Agreement shall detail appropriate conditions regarding occupancy and duration of use related to the garden suite; to be prepared in a form satisfactory to the City Solicitor and the Director of Development and Real Estate.

(c) That the proposed modification in zoning is in conformity with the Hamilton-Wentworth and Flamborough Official Plans.

11. Application to Amend City of Stoney Creek Zoning By-Law No. 3692-92 for the Property Located at 500 Glover Road (Stoney Creek) (PED06159) (Ward 11) (Item 6.3)

That approval be given to **Zoning Application ZAC-06-23, by Pinewood Construction, c/o Joe Italiano, owner**, for a change to Zoning By-law No. 3692-92, from the Neighbourhood Development “ND” Zone to a modified Single Residential “R3-27” Zone, to permit the creation of seven lots for single detached dwellings, and one part lot for future development in conjunction with the adjoining lands, for lands located at 500 Glover Road, as shown on Appendix “A” to Report PED06159, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED06159, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to Council for enactment.

(b) That the amending By-law be added to Schedule “A”, Map No. 3 of Zoning By-law No. 3692-92.

(c) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and the Stoney Creek Official Plan.

Council – June 14, 2006
12. Applications to Amend the City of Hamilton Official Plan and Zoning By-law No. 6593 for Lands Located at 1686 Main Street West (PED06162) (Ward 1) (Item 6.5)

(a) That approval be given to Official Plan Amendment Application OPA-06-02, 2098601 Ontario Inc., c/o Robert Manherz, owner, for changes in designations on Schedule “A” – Land Use Concept of the City of Hamilton Official Plan from “Major Institutional” to “Residential”, and on Schedule “N1” – Land Use Plan – Ainslie Wood Westdale Secondary Plan of the City of Hamilton Official Plan from “Medium Density Residential” to “High Density Residential”, to permit a mixed-use high density multiple residential building, on the property located at 1686 Main Street West (Hamilton), as shown on Appendix “A” to Report PED06162.

(b) That approval be given to Zoning Amendment Application ZAC-05-29, 2098601 Ontario Inc., c/o Robert Manherz, owner, for changes in zoning from the “B” (Suburban Agriculture and Residential, etc.) District, Modified, to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, to permit the development of the lands for a 9-storey mixed-use multiple residential building with a maximum of 107 dwelling units and commercial uses on the ground floor (Block 1), and to the “A” (Conservation, Open Space, Park, and Recreation) District to permit open space uses (Block 2), for the property located at 1686 Main Street West (Hamilton), as shown on Schedule “A” to Appendix “B” of Report PED06162, on the following basis:

(i) That Block “1” be rezoned from the “B” (Suburban Agriculture and Residential, etc.) District, Modified, to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

(ii) That Block “2” be rezoned from the “B” (Suburban Agriculture and Residential, etc.) District, Modified, to the “A” (Conservation, Open Space, Park, and Recreation) District.

(iii) That the draft By-law, attached as Appendix “B” to Report PED06162, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on June 6, 2006, respecting the maximum number of units being 107, the calculations respecting gross leaseable area and the reduced size of some parking spaces, be enacted by Council.

(iv) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the City of Hamilton Official Plan upon finalization of proposed Official Plan Amendment No.____.
(v) That upon finalization of the implementing By-law, the Ainslie Wood North Neighbourhood Plan be amended by redesignating the subject lands from “Civic and Institutional” to “High Density Apartments.”

(c) That pursuant to Section 34(17) of the Planning Act, the minor changes which have been made to the proposed by-law since the holding of the Public Meeting, regarding the loading space size and the setback of a platform from the lot line, do not require any further notice to the public.

13. Application for Approval of a Draft Plan of Subdivision, "Marina Point on Baseline", for Lands Located at 1306, 1326 and 1340 Baseline Road, East of Winona Road, in the Former City of Stoney Creek (PED06172) (Ward 11) (Item 6.6)

(a) That approval be given to Subdivision Application 25T-200315, by A. DeSantis DeVelopments Ltd. (Tony DeSantis), owners, to establish a draft plan of subdivision, known as “Marina Point on Baseline,” on lands located on Part of Lot 3, Concession 1 (Stoney Creek), as shown on Appendix “B” to Report PED06172, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06172, and the following:

(i) Acknowledgement that the City agrees to pay from the Development Charge Reserve urbanization costs across the City's park frontage along Baseline Road based on the road urbanization cost; 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 blocks 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 the Winona North Neighbourhood Plan be amended to reflect the approved changes to the Official Plan through Amendment No. 104 to the Stoney Creek Official Plan.

14. Applications for a Draft Plan of Subdivision Known as “Briarcliffe Estates – Phase 2” and for a Change in Zoning for Lands Located on the North End of
Tews Lane in the Greensville Settlement Area (Flamborough) (PED06173) (Ward 14) (Item 6.7)

(a) That approval be given to **Subdivision Application 25T200407, “Briarcliffe Estates Phase 2”, Greenworld Enterprises Ltd. (c/o Jim Maraschiello), owner**, to establish a draft plan of subdivision for twelve single detached lots fronting on the extension of Tews Lane and one 0.3 metre reserve on lands located on Part of Lots 11 and 12, Concession 2 (former Town of Flamborough), as shown on Appendix “B” to Report PED06173, subject to the execution of a City Standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06173, and the following:

(i) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the portion of the road allowance which abuts City parklands; and,

(ii) That the City will pay half the cost of the chain link fence being installed between the residential lots and adjacent parkland;

both to be funded from Development Charge Reserves in accordance with the Financial Policies for Development, as approved by Council.

(b) That approval be given to **Zoning Application ZAR-04-37, Greenworld Enterprises Ltd. (c/o Jim Maraschiello), owner**, for a change in zoning from the Settlement Residential Holding “R2-14(H)” Zone to the Settlement Residential “R2-30” Zone, to permit twelve single detached dwellings on separate lots on lands located in the Greensville Settlement Area being Part of Lots 11 and 12, Concession 2 (former Town of Flamborough), as shown on Appendix “A” to Report PED06173, subject to the following:

(i) That the subject lands be rezoned from the Settlement Residential Holding “R2-14(H)” Zone to the Settlement Residential “R2-30” Zone.

(ii) That the draft By-law, attached as Appendix “D” to Report PED06173, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

15. Applications for Approval of a Draft Plan of Subdivision, “Northampton Estates”, and Amendment to Glanbrook Zoning By-law No. 464, for Lands Located South of Strathearn Place and East of Homestead Drive, (Glanbrook) (PED06165) (Ward 11) (Item 6.8)
(a) That approval be given to **Subdivision Application 25T-200527, by 1612444 Ontario Inc. (c/o Anthony DiCenzo), owner**, to establish a draft plan of subdivision known as “Northampton Estates”, on lands located on Part of Lot 5, Concession 5 (Glanbrook), as shown on Appendix “B” to Report PED06165, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06165 and the following:

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

(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-05-131, by 1612444 Ontario Inc. (c/o Anthony DiCenzo), owner**, for a change to Zoning By-law No. 464 from the Deferred Development “DD” Zone to the Residential “R4-209 (A)”, Residential “R4-209 (B)”, Residential “R3-209” and Residential “R3” Zones on lands located on Part of Lot 5, Concession 5 (south of Strathearn Place and west of Homestead Drive)(Glanbrook), shown as Blocks “1-14” on Schedule “A” of Appendix “E” to Report PED06165.

(i) That the draft By-law, attached as Appendix “E” to Report PED06165, 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 “F” of Zoning By-law No. 464.

(iii) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and to the Township of Glanbrook Official Plan.

(c) That upon finalization of the implementing by-law, the Mount Hope Urban Settlement Area Land Use Plan be amended to revise the road pattern to include a through road and two courts.

16. Applications for Approval of a Draft Plan of Subdivision, "Springbrook Meadows", and a Change in Zoning for Lands Located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster) (PED06163) (Ward 12) (Item 6.9)

Council – June 14, 2006
(a) That approval be given to **Amended Subdivision Application 25T200510, Adisco Limited and 839891 Ontario Inc. (A. DiSilvestro), owners**, to establish a draft plan of subdivision comprising 56 lots for single detached dwellings, 1 block for a park, 11 blocks for future single detached dwellings, and 7 blocks for 0.3 metre reserves, as shown on Appendix “B” to Report PED06163, on lands located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster), subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06163 and the following:

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

(a) Contribution toward road urbanization costs for Springbrook Avenue for only those properties where a dwelling exists, on the west side of Springbrook Avenue only for an approximate distance of 290 metres, between the north end of Springbrook Avenue adjacent to municipal number 250 Springbrook Avenue and the future intersection north of municipal number 343 Springbrook Avenue. This cost shall form part of a future capital budget submission;

(b) Construction of services (sanitary sewer, watermain, storm sewer and road works) required along the frontage of Block 60, the future Neighbourhood Park; and,

(c) One-half the cost of a 1.5 metre high chainlink fence to be installed between the residential lots and Block 60, the future Neighbourhood Park;

all in accordance with the Financial Policies for Development, as approved by Council.

(b) That approval be given to **Amended Zoning Application ZAC-05-55, Adisco Limited and 839891 Ontario Inc. (A. DiSilvestro), owners**, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block 1), the Residential “R4-549” Zone (Block 2), and the Public Open Space “O2” Zone (Block 3) to permit the development of 56 single detached dwellings, a park, and 11 future single detached dwellings, for lands located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster), as shown on Appendix "A" to Report PED06163, on the following basis:

(i) That Block 1 be rezoned from the Agricultural “A” Zone to the Residential “R4-548” Zone.
(ii) That Block 2 be rezoned from the Agricultural “A” Zone to the Residential “R4-549” Zone.

(iii) That Block 3 be rezoned from the Agricultural “A” Zone to the Public Open Space “O2” Zone.

(iv) That the Draft By-law, attached as Appendix “E” to Report PED06163, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

17. **2004/2005 Clean Air Hamilton Progress Report (PED06182) (City Wide) (Item 7.1(b)**

That Report PED06182 respecting the 2004/2005 Clean Air Hamilton Progress Report be received.

18. **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 8.1)**

(a) That the applications for **Regional Official Plan Amendment ROPA-05-02, Official Plan Amendment OPA-05-08 and Zoning By-law Amendment ZAC-05-58, by Hamilton 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** on the following basis:

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

(ii) That appropriate provisions be built into the Local Official Plan Amendment and Zoning By-law to require compliance with appropriate noise regulations for any new construction in excess of 50% of the building area beyond that which exists at the date of the passage of the Zoning By-law.
(b) That staff report back to the next meeting of the Planning and Economic Development Committee with a draft official plan amendment and zoning by-law for review and acceptance by the Committee.

AT THEIR MEETING OF JUNE 12, 2006, COUNCIL AMENDED ITEM 19, BY THE ADDITION OF A FURTHER CONDITION (h), AS FOLLOWS

19. City Initiative CI-06-B to Amend the Official Plan Open Space and Parks Policies and Create New Zoning By-Law Regulations - Urban Area Only (PED06152) (City Wide) (Item 8.3)

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

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

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

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

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

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

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

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

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

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

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

(h) That pursuant to Section 34(17) of the Planning Act, the minor changes which have been made to the proposed by-law since the holding of the Public Meeting, regarding the permission of Lawn Bowling/Bocce Courts in Neighborhood Parks, restricting Accessory Buildings to Storage/Washrooms/Utilities and provide a site specific zoning for Lisgar Park to permit the building, does not require any further notice to the public.

20. James MacDonald School, 200 Chester Avenue, Hamilton Councillor T. Whitehead) (Item 9.1)

WHEREAS, the Hamilton-Wentworth District School Board on December 21, 2005 had notified the City of Hamilton that approval was granted by the Hamilton-Wentworth District School Board declaring a portion of the Board’s lands surplus to their needs, described as Parcel A and B, Part of Lot 17, Concession 7, in the former Township of Barton, now in the City of Hamilton, municipally known as part of 200 Chester Avenue, Hamilton;

AND WHEREAS, the City of Hamilton was afforded the opportunity in accordance with Ontario Regulations 444/98 allowing preferred agencies to submit a bona fide offer within ninety (90) days of receipt of the Hamilton-Wentworth District School Board notice of declaration;
AND WHEREAS, City Council on March 1, 2006 in adopting Item 5.6 of the Planning and Economic Development Report 06-003 authorized and directed the Real Estate Section of the Development and Real Estate Division to advised the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring the lands composed of Parcel A and B that forms Part of Lot 17, Concession 7, in the former Township of Barton, now in the City of Hamilton, municipally known as part of 200 Chester Avenue, Hamilton;

AND WHEREAS, the Ward Councillor representing Ward 8 has undertook extensive public consultation with the Community Council representing the Gourley Neighbourhood Association;

AND WHEREAS, the Gourley Neighbourhood Association has expressed concern over the disposition of the Hamilton-Wentworth District School Board lands and to the potential redevelopment of the site for residential purposes to be located in close proximity to an active playfield situated on school board lands and that there are no options for relocation;

AND WHEREAS, it would be desirable for the Hamilton-Wentworth District School Board to include provisions within their Offer to Purchase/Tender documents advising all prospective purchasers of the current sport activities taking place on school board lands and potential mitigation measures to ensure and protect these ongoing activities.

NOW, THEREFORE IT BE RESOLVED:

a) That the Hamilton-Wentworth District School Board be requested to include a clause within their Offer to Purchase/Tender documents to advise Purchasers that the subject property is located within close proximity to an active playfield where occasionally, sports related activities including noise, lighting, stray balls, etc. may interfere with the indoor/outdoor activities of the homeowner, occupants or visitors and that along with these activities, there is the potential risk of personal injury or damage to the property; and

b) That the Hamilton-Wentworth District School Board be requested to include a clause within their Offer to Purchase/Tender documents to advise Purchasers that at the time of development of the site for residential purposes, that in addition to clause (a) above, protective measures will be taken to ensure and to protect the ongoing activities with the installation of proper fencing shall be required along the rear lot line of the proposed residential lots and that a warning clause shall be registered on title to the properties as noted in clause (a) above;

c) That the Hamilton-Wentworth District School Board be requested to utilize the sale proceeds from the sale of the Board’s surplus lands to construct a bus drop off area along Apple Blossom Avenue at James MacDonald School for the health and safety of the children.
FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

The Clerk advised of the following changes to the Agenda:

(i) Delegation request from Edward Graydon respecting renovation of rooftop sign at 115 King Street East

(ii) Item 12.1, respecting an update on the West Harbour matter which is currently before the Ontario Municipal Board, to be considered at 1:00 pm.

Committee approved the delegation request, then approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Approval of Minutes

The minutes of the Planning & Economic Development Committee meeting held on May 16, 2006 were approved as presented.

(d) Ed Fothergill, Fothergill Planning and Development Inc., respecting Application for Official Plan Amendment and Rezoning – Hamilton Sod – English Church Road (Note: See Item 8.1) (Item 4.1)

Committee approved the request from Mr. Fothergill to address them at today’s meeting (See Item 8.1).

(e) Committee of Adjustment (Urban) Minor Variance Application HM/A-06:35, for Property Known as 1400 Upper James Street, City of Hamilton - Supported by the Planning and Economic Development Department (PED06168) (Ward 8) (Item 5.2)

Joe Gravina explained the options outlined in the staff report.
Following discussion, Committee agreed that they wished to support the applicant’s appeal, and approved Option 2.

(f) **Lottery Licence Proceeds Policy – Status of Reporting Procedures Service Clubs and Legions (PED06184) (City Wide) (Item 5.7)**

Councillor Bruckler explained the difficulties imposed on service clubs by these policies. Staff confirmed that the regulations had been imposed by the Province, and that they attempted to deal with each case individually.

Committee agreed that a letter should be sent to the Minister of Consumer and Business Services requesting review of the relevant regulations.

(g) **Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2665 Binbrook Road East (Glanbrook) (PED06160) (Ward 11) (Item 6.1)**

A Public Meeting was held.

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

Joe Muto outlined the report to Committee.

Dr. Hasija Vujovic advised that she was satisfied with the staff recommendation.

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

Committee approved the staff recommendation.

(h) **Application to Amend the Flamborough Zoning By-law 90-145-Z for Property Located at 1143 Edgewood Road (PED06164) (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.

Mark Pagliacci, the owner, advised that he supported the staff recommendation.

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

Committee approved the staff recommendation.

Councillor Braden asked that during the preparation of the new Official Plan policies, staff give consideration to permitting retirement suites “as-of-right” in the appropriate areas and subject to the relevant legislation.

(i) Application to Amend City of Stoney Creek Zoning By-Law No. 3692-92 for the Property Located at 500 Glover Road (Stoney Creek) (PED06159) (Ward 11) (Item 6.3)

A Public Meeting was held.

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

Chair Pearson advised that an added communication had been distributed this morning from Karl Gonnsen, Metropolitan Consulting, respecting this item.

Joe Muto gave an overview of the application. He noted Mr. Gonnsen’s request for the imposition of an “H”-Holding on the by-law, and that staff considered that this was not required, as adjacent landowners should work together to address matters. Mr. Muto also explained that servicing costs are being reviewed, and that this review addresses the writer’s concerns.

The applicant advised that he supported the staff recommendation.

Councillor Braden asked for clarification regarding the use of consents rather than the subdivision process. Staff explained that the lots have frontage on an existing public street and that the City is requiring all the standard financial and technical conditions.

No members of the public came forward to address Committee on this application.
Committee approved the staff recommendation.
(j) **Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) (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.

John Ariens, Planning and Engineering Initiatives Ltd., addressed Committee in support of the application.

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

Committee discussed the application and, by Motion, tabled the matter until the next meeting on June 20, 2006, to permit additional discussions to take place between the Ward Councillor and the parties concerned.

By Motion, Committee agreed that Mr. Ariens could be a delegation at the next Committee meeting.

Chair Pearson advised that the Public Meeting for the application had been concluded.

(k) **Applications to Amend the City of Hamilton Official Plan and Zoning By-law No. 6593 for Lands Located at 1686 Main Street West (PED06162) (Ward 1) (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.

Shannah Murray outlined the report to Committee and explained a number of changes to the recommendation. These included the addition of one unit, the definition of “gross leaseable area”, and a reduced size for five parking spaces. Ms. Murray also explained how the site’s environmental matters which had been addressed.

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Sergio Manchia, Planning and Engineering Initiatives Ltd., addressed Committee in support of the application and provided additional details regarding the application for student housing.

Kim Foster, 96 Ewen Road, addressed Committee and explained his concerns regarding the application, including the increased height of the building, the approval of too many variations from the by-law, the impact that student housing already has on the neighbourhood and questioned whether the proposed servicing arrangements would actually work.

Lou Castura, 21 West Park Avenue, addressed Committee and explained the need to design a proper connection to the bike trail to McMaster University, to assist traffic flow and eliminate people cutting through the unfenced backyards on the neighbouring streets. He also considered that too many concessions were being made for the application.

Committee discussed the issues and had additional information supplied by the agent and staff.

Councillor McHattie noted that he would work with both delegations and that the bike trail connection was under active review. He also noted that the application was in accord with the policies of the Ainslie-Wood Westdale Secondary Plan, and represented a positive step in dealing with student housing.

Committee approved the staff recommendation, as amended.

Application for Approval of a Draft Plan of Subdivision, "Marina Point on Baseline", for Lands Located at 1306, 1326 and 1340 Baseline Road, East of Winona Road, in the Former City of Stoney Creek (PED06172) (Ward 11) (Item 6.6)

A Public Meeting was held.

Chair Pearson advised that an additional communication from Gloria Jakymiuk and other residents had been distributed this morning.

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.

Peter Delulio outlined the report to Committee. He addressed the traffic issues raised in Ms Jakymiuk’s letter and explained that Public Works staff had reviewed
the plan and had not raised any concerns about traffic volumes and did not support access to the North Service Road.

Mr. DeIulio confirmed that Baseline Road will be improved to urban standards as one of the conditions of subdivision approval.

Adi Irani, A.J. Clarke and Associates, addressed Committee in support of the staff recommendation.

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

Committee approved the staff recommendation.

(m) Applications for a Draft Plan of Subdivision Known as “Briarcliffe Estates – Phase 2” and for a Change in Zoning for Lands Located on the North End of Tews Lane in the Greensville Settlement Area (Flamborough) (PED06173) (Ward 14) (Item 6.7)

A Public Meeting was held.

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

Jason Thompson outlined the report to Committee and explained that two conditions had been added to the subdivision approval, following comments received from the adjacent quarry.

James Webb, the applicant’s agent, addressed Committee in support of the staff recommendation.

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

Committee approved the staff recommendation.

(n) Applications for Approval of a Draft Plan of Subdivision, “Northampton Estates”, and Amendment to Glanbrook Zoning By-law No. 464, for Lands Located South of Strathearn Place and East of Homestead Drive, (Glanbrook) (PED06165) (Ward 11) (Item 6.8)
A Public Meeting was held.

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

Kristen West outlined the report to Committee. She noted that concerns had been raised by adjacent owners regarding drainage and flooding in the area, and that a special condition requiring a storm water report had been included.

Sergio Manchia, Planning and Engineering Initiatives Ltd., addressed Committee in support of the staff recommendation. He noted that the flooding issues are being worked on and will be finalized when the final engineering is done.

Nick Zydownyk, 144 Provident Way, explained his concerns about grading and drainage to the Committee. He noted that there had been flooding since he moved into the area in August 2005 and asked for another drain to alleviate water flow. He also noted concerns about lack of parkland and suggested that traffic calming measures be introduced to address speeding of traffic along Providence Way.

Tony Sergi explained that the subject application would cut off part of the drainage system in the area and thereby improve the current situation.

Jack Cain, 148 Provident Way, addressed Committee and explained his concerns regarding drainage in the area. He explained that twelve houses already drain into his sewer, that this is more than the maximum permitted number, and that the addition of further houses would make the problem worse. He asked for a new sewer.

Adi Irani, A.J. Clarke and Associates, addressed Committee and explained that he was speaking on behalf of Multi-Area Developments, regarding concerns related to the Master Transportation Plan.

David Mason, 26 Provident Way, addressed Committee with his concerns, including grading. He noted that the recent installation of weeping tile in the area had discovered an 8” pipe in the ground. He requested that the purpose and origin of this pipe be investigated.

Mr. Sergi agreed to look into it.

Gail Christie-Logan, 83 Strathearn, addressed Committee and explained her concerns regarding storm drainage and the supply of parks in the area.

Committee discussed the issues in detail and had additional information supplied by staff. Concerns were expressed about grading and drainage and how the
City’s approval process addressed these important issues. Staff confirmed that a report regarding a new Subdivision Agreement would be before Committee in August, and that the issues of grading and drainage would be included in the report.

Councillors also expressed concerns about the lack of a second road exit from the subdivision, the need to address solar gain in subdivision design, and the availability of parkland in this area and in Binbrook as a whole.

It was agreed that Councillor Mitchell would talk to staff about the parkland standards in Binbrook.

Committee approved the staff recommendation.

(o) Applications for Approval of a Draft Plan of Subdivision, "Springbrook Meadows", and a Change in Zoning for Lands Located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster) (PED06163) (Ward 12) (Item 6.9)

A Public Meeting was held.

Chair Pearson noted that additional submissions from Emidio Casimiri and Planning and Engineering Initiatives Ltd. had been distributed this morning.

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

Heather Travis outlined the report to Committee.

Angelo Cameracci addressed Committee in support of the staff recommendation.

Jerry Shea, a former resident of Springbrook Avenue, addressed Committee in favour of the application. Mr. Shea noted that he was pleased that the residents’ concerns had been taken into account and that the only outstanding issue was the cost-sharing of services. He noted that this was being worked on.

Tony Sergi confirmed that these matters were being reviewed by staff.

Committee approved the staff recommendation.

(p) Applications for Approval of Draft Plan of Subdivision, “Summit Park Addition – Phase 2”, and an Amendment to Glenbrook 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 6.10)

A Public Meeting was held.

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

Kristen West outlined the report to Committee.

Adi Irani addressed Committee and provided additional details regarding the application in the context of the Rymal Road Planning Area. He requested changes to the staff recommendation to eliminate Condition 22 and permit additional development to take place without further transportation studies.

Councillor Kelly, seconded by Councillor Mitchell, moved the two amendments proposed by the agent.

Christine Lee-Morrison, from Public Works, addressed Committee regarding the transportation studies and advised that the cap on development should not be lifted until the traffic studies had been completed.

Tim McCabe requested that staff be given the opportunity to review the proposed amendments, prior to any approval of the application.

Committee discussed the issue.

On a Motion by Councillor McHattie, seconded by Councillor Braden, Committee tabled the report until the next meeting, to allow staff to review and comment upon the amendments proposed by the applicant.

On a Motion, Committee approved a request from Adi Irani, the agent, to be a delegation when the item comes back for consideration.

(q) Brian McCarry, Chair, Clean Air Hamilton and Professor, Department of Chemistry, and Stephen A. Jarislowsky, Chair, Environment and Health, McMaster University (No Copy) (Item 7.1(a))

Brian Montgomery introduced the subject, and the presenter.

Dr. McCarry provided an overview of the findings of the study, with the help of a powerpoint presentation. A copy of the handout was provided to Committee.
Committee asked a number of questions regarding the study and its findings and Dr. McCarry, assisted by Dennis Corr, provided additional information.

Committee received the delegation and Chair Pearson thanked them for their presentation.

(r) **2004 /2005 Clean Air Hamilton Progress Report (PED06182) (City Wide) (Item 7.1(b)**

Brian Montgomery provided a brief overview of the staff report.

Committee received the report.

(s) **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 8.1)**

Ed Fothergill addressed the Committee in support of the application and explained that his clients understood the concerns expressed by staff and were therefore proposing a compromise. Mr. Fothergill suggested that approval be given to the separation of the two existing dwelling lots from the golf course, and that the golf course zoning, which permits one dwelling unit on the property, remain unchanged.

Committee approved the creation of two separate lots, containing existing dwellings, from the golf course.

Committee confirmed that the existing golf course zoning be maintained and staff was directed to prepare the appropriate document.

(t) **Good Shepherd, 143 Wentworth Street South – Relief From Cash-in-Lieu of Parkland Dedication and Building Permit Fees (PED06156/FCS06050) (Ward 3) (Item 8.2)**

Chair Pearson noted that the staff report had been tabled at the meeting of May 16, 2006, to permit further discussions between the parties.

Councillor Merulla provided a letter from Alan Whittle, Good Shepherd, requesting that the item be tabled for a further two weeks.

Committee approved the tabling until June 20, 2006.

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(u) City Initiative CI-06-B to Amend the Official Plan Open Space and Parks Policies and Create New Zoning By-Law Regulations - Urban Area Only (PED06152) (City Wide) (Item 8.3)

Al Fletcher explained that the City Initiative had been referred back from Council on May 24, 2006, for further consideration of the Lisgar Park Bocce Court matter.

Mr. Fletcher explained that while buildings are not permitted in parks, an exception is being proposed to permit a 20’ x 20’ building in Lisgar Park. The bocce group concerned has been fundraising for this building for over two years. Mr. Fletcher confirmed that this specific exception will not set a precedent for the future.

Mr. Fletcher also confirmed that the staff recommendation had been amended to eliminate the minimum size for parkettes, as approved by Council on May 24, 2006.

Finally, Mr. Fletcher noted that Section 34(17) of the Planning Act had been properly addressed, as the item was minor in nature.

Committee approved the staff recommendation, as amended, to eliminate the minimum size requirements for parkettes and to permit the building in Lisgar Park.

(v) Sign Study and By-law - Final Report (PED05172(a)) (City Wide) (Item 8.4)

Chair Pearson explained the Public Meeting for the Sign By-law has been scheduled for June 22, 2006 at 6:00 pm in the Council Chambers. She noted that the staff report and the draft by-law are on the Agenda as information only, in order that the details are available to the public in sufficient time for them to review the new by-law ahead of the Public Meeting.

(w) James MacDonald School, 200 Chester Avenue, Hamilton (Councillor T. Whitehead) (Item 9.1)

Councillor Whitehead explained his Motion and Committee then passed it.

(x) General Information

11.1 Outstanding Business Item G – Clean up of CNR Lands – Due Date: June 6, 2006
Ms. Coveyduck explained that having consulted with Legal Services, two timing options were possible: let the legal process take its course, and report back in 2007, or take the matter to court, and report earlier.

Committee agreed that the legal process should be allowed to take place and that the new date would be March 2007.

11.2 Outstanding Business Item S – Demolition Practices in the City – Due Date: June 6, 2006

Ms. Coveyduck explained that the report would be available for the June 22, 2006 meeting.

Committee approved the new date.

11.3 Outstanding Business Item AA – Volume of Business at Committee Meetings – Verbal Update

Ms. Coveyduck explained that the high volume of planning issues could be dealt with by arranging special meetings, as required. She noted that two special meetings had already been arranged for June, one for the Sign By-law on June 22, 2007 and one for the Rural Official Plan Policies on June 26, 2006.

By Motion, Committee removed the item from the Outstanding Business List.

(y) West Harbour O.M.B. Hearing(Item 12.1)

On a Motion by Councillor Mitchell, seconded by Councillor Kelly, Committee moved In-Camera to consider a matter currently before the Ontario Municipal Board.

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

Chair Pearson advised that there was no report from the In-Camera meeting.

(z) Adjournment

On a Motion, Committee adjourned at 1:45 p.m.

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Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
June 6, 2006