Planning and Economic Development Committee
MINUTES 05-027
December 6, 2005
9:30 a.m.
Council Chambers
Hamilton City Hall

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

Also Present: Councillors T. Jackson, M. McCarthy, D. Braden,
P. Bruckler

Staff Present: G. Peace – City Manager
L. Coveyduck, General Manager - Planning and Development
T. McCabe, P. Mallard, P. Moore, O. Quinn, J. Muto,
D. Cuming, S. Vattay, T. Sergi, A. Fabac, H. Travis,
D. Falletta, R. Walters, M. Johnston, G. Norman, S. Holiday,
B. Farkas – Planning and Development
T. Redmond, J. Downey, D. Mousseau – Building
D. Redfearn – Economic Development
A. Zuidema - Legal
A. Rawlings – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:
1. Application for a Licence Under the Aggregate Resources Act by Dufferin Aggregates, Northwest Quadrant of Brock Rd. & 4th Concession West (Flamborough) (PED05049(a)) (Ward 14) (Item 5.1)

(McHattie/Pearson)
That the City of Hamilton advise the Ministry of Natural Resources (MNR) that it withdraws its objection to License Application, EBR Registry No. IB05E3042, under the Aggregate Resources Act, by Dufferin Aggregates of St. Lawrence Cement Inc., for the property located within the northwest quadrant of Brock Road and 4th Concession West, as shown on Appendix “A” to Report PED05049(a), on the following basis:

(a) That Dufferin Aggregates of St. Lawrence Cement Inc. enter into an agreement with the City, to the satisfaction of Corporate Counsel, to construct at its expense, traffic related improvements to the subject lands from Brock Road, comprising a new entrance to the site with a northbound left-turn lane.

(b) That the Mayor and Clerk be authorized and directed to sign and execute all appropriate documents and agreements between the City of Hamilton and Dufferin Aggregates, required to facilitate the construction of entrance improvements to the quarry

CARRIED

2. Delegation of Council Consent to Staff for Alterations to Designated Property Under the Ontario Heritage Act (PED05096(a)) (City Wide) (Item 5.2)

(Pearson/Ferguson)
That, pursuant to the provisions of the Ontario Heritage Act, the power to consent to alterations to property designated under the Ontario Heritage Act be delegated to the Director of Development and Real Estate, Planning and Economic Development Department, as per the draft By-law attached as Appendix A to Report PED05096(a), subject to prior consultation with the Heritage Permit Review Subcommittee of the Hamilton LACAC (Municipal Heritage Committee), or, in the case of Heritage Conservation Districts, the Cross-Melville District Advisory Committee or the Mill Street District Advisory Committee, as applicable.

(b) That this delegation authority does not apply nor is it extended to any proposed decision by the Director of Development and Real Estate that is not in accordance with the recommendation of the Hamilton LACAC (Municipal Heritage Committee), the Heritage Permit Sub-committee or any of the Conservation District Advisory Committees.

(c) That the draft By-law, attached as Appendix A to Report PED05096(a), which has been prepared in a form satisfactory to Corporate Counsel, be enacted by Council.

CARRIED
3. National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8) (Item 5.3)

(Pearson/Ferguson)
That staff be directed to request that the Historic Sites and Monuments Board of Canada re-evaluate the heritage status of the Auchmar Estate, 88 Fennell Avenue West, Hamilton, with respect to its potential cultural heritage value as a property of national interest.

CARRIED

4. Recommendation to Designate 281 Herkimer Street, Hamilton, Under Part IV of the Ontario Heritage Act (PED05194) (Ward 1) (Item 5.4)

(Pearson/Ferguson)
(a) That the designation of 281 Herkimer Street, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

(b) That the Statement of Cultural Heritage Value and Description of the Heritage Attributes, attached as Appendix A to Report PED05194, be approved.

(c) That Corporate Counsel be directed to take appropriate action to designate 281 Herkimer Street under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix B to Report PED05194.

CARRIED

5. Funding of Structural Repairs to the Main House, Auchmar Estate, 88 Fennell Avenue West (PED05216) (Ward 8) (Item 5.5)

(Pearson/Ferguson)
That the request of Hamilton’s Municipal Heritage Committee that a source of funding be found in order to undertake emergency repair work at the Auchmar Estate, located at 88 Fennell Avenue West, with such funding not exceeding $100,000, be referred to the 2006 Capital Budget process for consideration.

CARRIED
6. Report of the GTA Task Force on OMB Reform (PED05217) (City Wide) – Referred from Council on October 26, 2005 (Item 5.6)

(Pearson/Ferguson)

(b) That City Council adopt the following resolution:

WHEREAS the Ontario Municipal Board was created to resolve municipal land use issues at a time when municipal governments were small and had limited planning expertise;

AND WHEREAS the role and mandate of the Ontario Municipal Board have not been significantly altered in response to increased municipal planning skills or expanded municipal responsibilities for land use planning under the Planning Act;

AND WHEREAS the Ontario Municipal Board has broad planning powers and can make decisions in the absence of a full municipal review of a planning application and can overturn local planning decisions;

AND WHEREAS Ontario Municipalities invest significant resources in staff time, legal and other associated costs in establishing and implementing local planning policy;

AND WHEREAS there is growing concern from municipalities and citizens that the decisions of the Ontario Municipal Board are eroding local planning authority;

AND WHEREAS there have been numerous Council Resolutions, municipal reports and reports from planning professionals and academics advocating reform of the Ontario Municipal Board;

AND WHEREAS the GTA Task Force on OMB Reform, an informed group of municipal representatives and staff, after study and consultation, made practical recommendations for improvements to the planning appeal process;

AND WHEREAS the Ontario Government has indicated their intention to introduce legislation enacting significant reforms to the OMB and the planning appeal process in the Fall 2005 session of the Legislature,

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Hamilton endorses the recommendations of the Report of the GTA Task Force on OMB Reform dated March 7, 2003 and urges the Province to enact OMB reforms by the end of 2005,
CARRIED

7. Sale of City Owned Property - Part of 128 Limeridge Road East and Part of 1306 Upper Wellington Street to the Estates of Hendrikus Van De Kuyt and Cornelis Groenwegen (PED05185) (Ward 7) (Item 5.7)

(Pearson/Ferguson)

(a) That City Council approve, as the approving authority under the provisions of the Expropriation Act, the disposal of the lands identified above, to the Estate of the original owners from whom the lands were expropriated, providing this Estate with the first right to repurchase the lands.

(b) That an Offer to Purchase executed by the Estates of Hendrikus Van De Kuyt and Cornelis Groenwegen, on November 10, 2005, and scheduled to close on or before January 16, 2006, for the acquisition of vacant land in the City of Hamilton, fronting on the east side of Lorenzo Drive and the south side of Colin Crescent (as shown on Appendix “A” to Report PED05185 attached), legally described as Part 6, on Plan 62R-16787 (as shown on Appendix “B” to Report PED05185 attached), having an area of 0.98 hectares (2.420 acres), more or less, and Part 1 on Plan 62R-17178 (as shown on Appendix “C” to Report PED05185 attached), having an area of 0.03 hectares (0.082 acres), more or less, having a combined area of 1.012 hectares (2.503 acres), more or less, be approved and completed and the funds derived from the sale, being $757,000, subject to adjustments, be credited to account "Freeway Land Purchases" - 47702 4060087001.

(c) That the required deposit cheque, in the amount of $76,000, being slightly greater than 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of this transaction.

(d) That upon successful completion of this sale, a real estate commission of $37,850, plus GST, (commission of 5% of the $757,000 sale price) be paid to Chambers Commercial Real Estate Group Inc, Jack Robertson, Associate Broker, who acted in this matter.
(e) That the sum of $757,000, less commission of $37,850, plus GST, and less the associated cost to prepare the property for sale as identified in Clause (f), be credited to the "Freeway Land Purchases" - 47702 4060087001.

(f) That the sum of $23,728 be credited to Account HAMTN 47702-3560150200 (Reserve for Property Purchases), which is the cost to prepare the property for sale.

(g) That the sale price of $757,000 does not include the Goods and Service Tax; should the GST be applicable and collected by the City, the GST amount is to be credited to Account No. 22835 009000 (GST Payable).

(h) That the completion of this transaction be subject to the following conditions as imposed by staff and abstracted from the Offer to Purchase:

16. The Purchaser acknowledges and agrees that there are no warranties and/or representations by the Vendor whatsoever with respect to the property and that the property is being purchased on an “as is”, “where is” basis, except as specifically herein provided. The Purchaser acknowledges that he has relied entirely upon his own inspection and investigation with respect to quantity, value and title of the property.

17. The Purchaser acknowledges that he has inspected the property and has conducted an independent investigation of present and past uses of the property; and that the Purchaser has not relied on any representations by the Vendor concerning any condition of the property, environment or otherwise, except as noted herein. The Purchaser agrees to assume the property subject to any outstanding work orders, legislative, zoning, fire and building code violations.

18. The Vendor makes no representation, warranty, condition either expressed or implied as to soil or other environmental conditions, utilities, fitness for purpose of zoning and building by-laws, park, road widening or other possible dedications, or as to charges, levies and regulation of the City, Utilities or other regulatory authorities. The Purchaser shall inspect the property and shall satisfy himself in respect to such matters prior to submitting this Offer.

19. The Purchaser indemnifies and saves harmless the Vendor from any and all claims, costs, damages, demands, fines or awards that may arise directly or indirectly as a result of the condition of the Property, including any environmental conditions.

20. It is understood and agreed that the Purchaser shall, at the Purchasers sole cost and expense, obtain the approval of the Vendor for any development on the subject lands, as defined in The Planning Act, 1990,
as amended, prior to commencement of such development/subdivision and approval as defined in The Planning Act, 1990, as amended, prior to commencement of such development/subdivision.

21. The Purchaser shall, at the Purchaser’s sole cost and expense, submit an application for draft plan of subdivision approval for residential purposes over the subject lands within three months of the acceptance of this transaction. Notwithstanding any other statement contained in this Agreement, nothing herein shall be interpreted to constitute pre-approval by the Vendor of the Purchaser’s proposed development of the lands, and the Vendor makes no representations or warranties herein, as to the result of any application the Purchaser may submit to the Vendor in respect of the lands, but the Vendor agrees that it shall not unreasonably withhold the granting of any approvals in respect thereof.

22. The Purchaser shall, at the Purchasers sole cost and expense, register a plan of subdivision for residential purposes for the subject lands within one year of obtaining draft plan approval, provided the said one year period may be extended for any delays caused by the Vendor, at the sole discretion of the Vendor or in the event an appeal is lodged with the Ontario Municipal Board.

23. The Purchaser shall, at the Purchasers sole cost and expense, obtain all governmental permits and approvals required for the Purchaser’s proposed development and use of the lands and satisfy all requirements and restrictions imposed by the vendor and by all government authorities having jurisdiction at the Purchaser’s own cost.

24. No transfer of the said land shall be made by the Purchaser until the Vendor confirms that the covenants in Paragraphs 20, 21, 22 and 23 have been complied with.

25. In the event that the Purchaser fails to comply with Paragraph 21 and 22 within the time required, then the Vendor shall have the right to enter upon the said lands within thirty days notice to the Purchaser, and any such entry by the Purchaser pursuant to the terms hereof shall determine the estate of the Purchaser in the said lands. Notice of the entry may be registered by the Vendor on title to the said lands.

26. Upon such entry by the Vendor, the Purchaser, at its own cost, shall execute and deliver to the Vendor a transfer of the subject lands to the Vendor free and clear of all charges, encumbrances, liens, claims, or adverse interests whatsoever, and the Vendor agrees to pay to the Purchaser the original purchase price for the subject lands, less the deposit, less the commission paid (if any) by the Vendor to a real estate agent; less arrears if realty taxes, penalty and interest (including local
improvement charges), less amounts required to discharge any mortgages, liens, charges or other encumbrances against the said lands and less the costs of the Vendor incurred in entering on the land and retaking and reselling the land and without the increase or compensation for any improvements, additions, alterations in, on or under the subject lands.

27. The Purchaser is responsible for water and sanitary sewer servicing to the subject lands and any requirements for storm water management affecting the subject lands.

28. It is understood and agreed that the cost of preparing and registering any releases on the completion or satisfaction of any conditions in this agreement shall be the responsibility of the Purchaser.

29. It is understood and agreed that in the event the Purchaser develops the subject property that he may be required to pay development, sewer and other charges levied by the appropriate government bodies.

30. The Purchaser and Vendor agree that this Offer to Purchase Agreement, and any or all of its terms and conditions, covenants, warranties and restrictions or stipulations shall not expire or merge on the closing of this transaction or upon the registration of a deed on title, but shall survive the closing of this transaction.

31. This agreement may not be assigned by the Purchaser without the written consent of the vendor, such consent not to be unreasonably withheld or delayed. No assignment will be granted until Clauses 20, 21, 22 and 23 have been complied with.

32. It is understood and agreed that any real estate commissions or fees are only payable upon successful completion and closing of this transaction.

33. It is understood and agreed by the Purchaser that the subject lands were acquired by the City of Hamilton pursuant to the **Expropriations Act R.S.O. 1990**. The expropriating authority (Vendor), must first offer the subject lands to the owners from whom the land was taken, on the terms and conditions of the best offer received by the Vendor.

34. It is understood and agreed that:

The Purchaser acknowledges and agrees that the Purchaser shall pay their proportionate share of the servicing costs at the time of development (constructing, the roads, and sewers) as noted in Table 1 below. The lifting of the 0.30 metre (0.984 feet) reserve shown as Block 48 on Plan 62M-
1029 attached hereto as Schedule “B” (as per Offer to Purchase) shall be incorporated into the road allowance as part of the subdivision approval.

34 (a) Table 1

<table>
<thead>
<tr>
<th>Lorenzo Drive (west side)</th>
<th>Frontage (m)</th>
<th>per m cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Lands</td>
<td>79.565</td>
<td>$1,472.88</td>
<td>$117,189.70</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Collin Crescent (south side of south leg)</th>
<th>Frontage (m)</th>
<th>per m cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undeveloped City Lands</td>
<td>120.225</td>
<td>$1,796.78</td>
<td>$216,017.88</td>
</tr>
</tbody>
</table>

The above figures are approximate, as the City will collect at the time of development of these properties, and will adjust the costs based on the Canadata Construction Cost Index.

34 (b) The Purchaser acknowledges and agrees to reimburse the Vendor for the connection to any of the seven existing 150mm Private Sanitary Drain Connections and to any of the seven existing 20mm Private Water Services Connections, to future lots on the east side of Lorenzo Drive, south of Colin Crescent, at a cost of $4,148.64 per lot. The Purchaser further acknowledges and agrees that the Purchaser is responsible to provide sewer and water service to all other lots within the subject property at the Purchaser’s own expense.

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

(i) The subject property, municipally known as 128 Limeridge Road East, was declared surplus by resolution of the City Council on June 27, 2000 by adopting Item 10.8 of the Finance and Administration Committee. Subsequently, on May 25, 2005, City Council approved Item 6.1 of the Planning and Economic Development Committee Report 05-011 declaring the easterly portion of the subject property part of 1306 Upper Wellington Street, surplus to the needs of the City.

(ii) Satisfactory notice has been given to the public of the intended sale by the City of Hamilton through the listing of the property on the Multiple Listing Service (MLS), Chambers Commercial Real Estate Group Inc, Jack Robertson, Associate Broker, and the City of Hamilton’s Web page.
(iii) An internal appraisal of the fair market value of the real property intended to be sold was completed on July 12, 2005.

(iv) The purchase price of $757,000 for the subject property is within the range of value, which has been determined through an appraisal of the subject’s fair market value.

CARRIED

8. **Application to Amend the Ancaster Sign By-law, 70 Garner Road East (Ancaster) (PED05196) (Ward 12) (Item 5.8)**

(Ferguson/Kelly)

That approval be given to **Amended Sign Variance Application SV-05-05, Ancaster Christian Reformed Church, Owner**, to permit an electronic animated ground sign with changing messages in the front yard, for lands located at 70 Garner Road East (former Town of Ancaster), as shown on Appendix “A” to Report PED05196, on the following basis:

(a) That the existing ground sign in the front yard be removed prior to the erection of the new electronic animated ground sign, to the satisfaction of the Director of Building and Licensing.

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

(c) That third party advertising shall be prohibited.

(d) That the sign shall have a maximum area of 10.0 square metres per face, of which not more than 1.4 square metres may contain changeable lettering or copy.

CARRIED

9. **Removal of the Holding ‘H’ Provision from a Portion of the Lands Known as 404 McNeilly Road (Stoney Creek) (PED05198) (Ward 11) (Item 5.9)**

(Pearson/Ferguson)

That approval be given to **Zoning Application ZAH-05-99, Losani Homes, owner**, for removal of the Holding ‘H’ provision from a portion of the lands known as 404 McNeilly Road, as shown on Appendix “A” to Report PED05198, on the following basis:

(a) That the zoning of the subject lands be changed from the Prestige Industrial, Holding "MT(H)" Zone, to the Prestige Industrial “MT” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED05198, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

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

CARRIED

10. Committee of Adjustment (Urban) Consent/Land Severance Application SC/B-05:146, for Property Known as Part 2, Plan 62R-7533 (Lands West of 10 Azalea Court), Former City of Stoney Creek - Supported by the Planning and Economic Development Department (PED05179) (Ward 9) (Item 5.10)  
(Pearson/Ferguson)  
That Report PED05179 respecting Committee of Adjustment Application (Urban) Consent/Land Severance Application SC/B-05:146, Part 2, Plan 62R-7533 (lands west of 10 Azalea Court), Former City of Stoney Creek, as shown on Appendix ‘A’ to Report PED05179, denied by the Committee but supported by the Planning and Economic Development Department, be received for information.  

CARRIED

11. Demolition Permit – 1462 Upper Sherman Avenue (PED05182) (Ward 7) (Item 5.11)  
(Pearson/Ferguson)  
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 1462 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.  

CARRIED

12. Demolition Permit - 22 Jones Street (PED05183) (Ward 1) (Item 5.12)  
(Pearson/Ferguson)  
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 22 Jones Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.  

CARRIED

(Pearson/Ferguson)  
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 24 Jones Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.  

CARRIED
14. Demolition Permit – 819 Rymal Road East (PED05190) (Ward 7) (Item 5.14) (McHattie/Merulla)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 819 Rymal Road East in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

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

CARRIED

15. Demolition Permit – 968 West 5th Street (PED05202) (Ward 8) (Item 5.15) (McHattie/Merulla)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 968 West 5th Street 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 Director of Legal Services and Corporate Counsel; and,

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

CARRIED

16. Demolition Permit – 109 Graham Avenue North (PED05207) (Ward 4) (Item 5.16)
(Pearson/Ferguson)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 109 Graham Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

17. Demolition Permit – 543 Burlington Street East (PED05203) (Ward 3) (Item 5.17)
(Pearson/Ferguson)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 543 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

18. Demolition Permit – 547 Burlington Street East (PED05204) (Ward 3) (Item 5.18)
(Pearson/Ferguson)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 547 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

19. Transfer of Funds From 2005 Operating Budget (PED05192) (City Wide) (Item 5.19)
(Pearson/Ferguson)
That an operating surplus of $28,000 in Account 814005-55916 be transferred to the Climate Change-Air Quality Capital Project 8099655601 to be used for climate-change related programs, including the completion of the Hamilton Climate Change Action Plan.

CARRIED
20. Demolition Permit – 443 Woodward Avenue (PED05219) (Ward 4) (Item 5.20) (Pearson/Ferguson)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 443 Woodward Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.
CARRIED

a) That the 2006 operating budget for the Westdale Village B.I.A. (attached as Appendix ‘A’ to Report PED05208) be approved in the amount of $110,000;

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

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

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$55,000</td>
</tr>
<tr>
<td>June</td>
<td>$55,000</td>
</tr>
</tbody>
</table>

CARRIED

22. International Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED05195) (Wards 2 & 3) (Item 5.22) (Pearson/Ferguson)
a) That the 2006 operating budget for the International Village B.I.A. (attached as Appendix ‘A’ to Report PED05195) be approved in the amount of $115,000;

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

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

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$57,500</td>
</tr>
<tr>
<td>June</td>
<td>$57,500</td>
</tr>
</tbody>
</table>

CARRIED
23. **Petitions to Remove the Sidewalks on Stoneglen Way and Solsbury Crescent and the Boulevard Between 468 and 518 Jones Road (Ward 11 with City Wide Implications) (PED05209) (Item 5.23)**

(Pearson/Ferguson)

(a) That report PED05209, regarding Petitions to Remove the Sidewalks on Stoneglen Way and Solsbury Crescent and the Boulevard between 468 and 518 Jones Road, be received.

(b) And that the item be identified as completed and removed from the Outstanding Business List.

CARRIED

24. **Registry of Group Homes in the City of Hamilton (City Wide) (PED05211) (Item 5.24)**

(Pearson/Ferguson)

(a) That report PED05209, regarding the consideration of a Registry of Group Homes in the City of Hamilton be received;

(b) And that the item be identified as completed and removed from the Outstanding Business List;

(c) And that the staff provide each Ward Councillor with information regarding existing and new group homes within their respective wards.

CARRIED

25. **Provincial Policy Statement (PPS) Phase-In – Lot Creation and Adjustments (City Wide) (PED05205) (Item 5.25)**

(Pearson/Ferguson)

(a) That report PED05205, regarding Provincial Policy Statement (PPS) Phase-In – Lot Creation and Adjustments be received

(b) And that the item be identified as completed and removed from the Outstanding Business List

CARRIED

26. **Request to Amend the City of Hamilton Licensing Code No. 01-156 Schedule 22 Salvage and Second Hand Goods Businesses (City Wide) (PED05212) (Item 5.26)**

(Pearson/Ferguson)

(a) That report PED05205, regarding a request to Amend the City of Hamilton Licensing Code No. 01-156 Schedule 22 Salvage and Second Hand Goods Businesses be received

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(16)

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(b) And that the item be identified as completed and removed from the Outstanding Business List

CARRIED

27. ERASE Redevelopment Grant Application (ERG-05-03) - 2021184 Ontario Ltd. (Alex Sivitilli) - 347 Centennial Parkway North (PED05213) (Ward 5) (Item 5.27)

(Pearson/Ferguson)

(a) That ERASE Redevelopment Grant Application ERG-05-03, submitted by 2021184 Ontario Ltd. (Alex Sivitilli), owner of the property at 347 Centennial Parkway North, for an ERASE Redevelopment Grant not to exceed $243,250 payable to 2021184 Ontario Ltd. (Alex Sivitilli) over a maximum of 10 years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

(b) That the City enter into an ERASE Redevelopment Agreement with 2021184 Ontario Ltd. (Alex Sivitilli) regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 347 Centennial Parkway North, with such agreement to be satisfactory to Corporate Counsel.

CARRIED

28. Demolition Permit - 209 Wellington Street North (Ward 2) (PED05129(a)) (Item 5.28)

(Pearson/Ferguson)

(a) That report PED05129(a), regarding Demolition Permit - 209 Wellington Street North be received

CARRIED

29. Task Force on Cleanliness and Security in the Downtown Core- Reinstatement of the Gore to Shore Shuttle Service, Replacement of Downtown Tree Lighting and Educational/Promotional Anti-littering Campaign (05-002) (Ward 2) (Item 5.29)

(Pearson/Ferguson)

(a) That the recommendations below, respecting the Gore to Shore Shuttle Service, be referred to the 2006 budget deliberations for consideration:

(i) That the Gore to Shore shuttle bus, which provides free bus service connecting the Downtown and the Waterfront, be reinstated at a cost not to exceed $40,000.

(ii) That the Gore to Shore shuttle service be provided for a ten (10) week period during the summer schedule; providing service on thirty (30) minute intervals.
(iii) That staff be directed to prepare and launch a marketing campaign to ensure that the target market is reached and the shuttle service is used to its full potential, at a cost not to exceed $5,000.

(b) That the recommendations below, respecting Replacement of Downtown Tree Lighting, be referred to the 2006 budget deliberations for consideration:

(i) That Public Works, Operations and Maintenance staff be directed to submit a 2006 Capital Budget request to replace the existing incandescent tree lighting, in the Downtown Core, with L.E.D. lighting with a capital cost of $106,415.

(ii) That Operations and Maintenance staff be directed to establish a capital reserve account to fund lighting replacement on a 6 year cycle to coincide with planned street tree grid trimming maintenance program in the downtown core.

(iii) That the existing energy costs for the tree lighting be utilized to keep the L.E.D. lighting in the Downtown Core on from dusk until 2:30 am during the evening hours throughout the year at an annual cost of $3,684 resulting in annual energy savings of $25,764 to be directed to the Street Tree Light Replacement Capital Reserve.

(c) That the recommendations below, respecting Educational/Promotional Anti-littering Campaign, be referred to the 2006 budget deliberations for consideration:

(i) That staff be directed to implement an educational/promotional anti-littering campaign, which would include the promotion of the new cigarette butt containers, aimed at the educational sector, at a cost not to exceed $5000.

CARRIED

30. Application for a Variance to Glanbrook Sign By-law No. 511-94, 2190 Rymal Road East (Glanbrook) (PED05220) (Ward 11) (Added Item 5.30) (Pearson/Ferguson)

That approval be given to Sign By-law Variance Application SV-05-04, by Hamilton Mountain Developments, to permit a pylon sign, with a total sign area of 24.9 square metres to be setback 4.5 metres from a street line, whereas the By-law requires 9.0 metres, for the lands located at 2190 Rymal Road East (Glanbrook), as shown on Appendix “A” to Report PED05220, on the following basis:

Council – December 14, 2005
(a) That the proposed ground sign include the municipal street address number in numerals that are a minimum 15 centimetres in height.

CARRIED

31. Application for a Change in Zoning for Lands Located at 2330 Guyatt Road (Glanbrook) (PED05188) (Ward 11) (Item 6.1)

(Pearson/Mitchell)

That approval be given to Zoning Application ZAR-05-102, by Paletta International Ltd. (c/o P & L Livestock Ltd.), owner, for a change in zoning from the General Agricultural “A1” Zone to the site-specific General Agricultural “A1-208” Zone, for the lands located at 2330 Guyatt Road (Glanbrook), as shown on Appendix “A” to Report PED05188, on the following basis:

(a) That the subject lands be rezoned from the General Agricultural “A1” Zone to the site-specific General Agricultural “A1-208” Zone.

(b) That the draft By-law, attached as Appendix “C” to Report PED05188, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(c) That the amending By-law be added to Schedule “C”, of Zoning By-law No. 464.

(d) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and the Glanbrook Official Plan.

CARRIED

32. Application for a Change in Zoning for Lands Located at 2141 Woodburn Road (Glanbrook) (PED05189) (Ward 11) (Item 6.2)

(Pearson/Merulla)

That approval be given to Zoning Application ZAR-05-103, by Paletta International Ltd. (c/o P & L Livestock Ltd.), owner, for a change in zoning from the General Agricultural “A1” Zone to the site-specific General Agricultural “A1-207” Zone, for the lands located at 2141 Woodburn Road (Glanbrook), as shown on Appendix “A” to Report PED05189, on the following basis:

(a) That the subject lands be rezoned from the General Agricultural “A1” Zone to the site-specific General Agricultural “A1-207” Zone.

(b) That the draft By-law, attached as Appendix “C” to Report PED05189, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(c) That the amending By-law be added to Schedule “C”, of Zoning By-law No. 464.
(d) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and the Glanbrook Official Plan.

CARRIED

33. Application for a Change in Zoning for Lands located at 1244 Upper Gage Avenue (Hamilton) (PED05181) (Ward 7) (Item 6.3)

(Pearson/Ferguson)

That approval be given to Zoning Application ZAC-05-73, Violante Spadafora, owner, for a change in zoning from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified, (Block “1”) to recognize the existing single-detached dwelling on a separate lot, from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Detached) District (Block “2”) to permit three new single detached dwellings on separate lots, and from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block “3”) to permit one new single detached dwelling on a separate lot, for lands located at 1244 Upper Gage Avenue (Hamilton), as shown on Appendix “A” to Report PED05181, on the following basis:

(a) That Block “1” be rezoned from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified.

(b) That Block “2” be rezoned from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Detached) District.

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

(d) That the Draft By-law, attached as Appendix “B” to Report PED05181, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(f) That upon finalization of the implementing By-law, the Randell Neighbourhood Plan be amended to change the designation of the eastern portion of the subject lands from “Attached Housing” to “Single and Double” Residential.

CARRIED
34. Change in Zoning for Lands Located at 411 and 421 Kitty Murray Lane and the Rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster (PED05180) (Ward 12) (Item 6.4)

(Kelly/Ferguson)

That approval be given to Amended Zoning Application ZAC-05-78 Redeemer University College, owner, for a change in zoning from the “A” Agriculture Zone to “I” Institutional Zone (Block “1”) and from the “A” Agriculture Zone to “I” – ‘H’ Institutional Holding Zone (Block “2”), to permit a range of institutional uses including student residences and a day care centre, for lands at 411 and 421 Kitty Murray Lane and the rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster, as shown on Appendix “A” to Report PED05180, on the following basis:

(a) That Block “1” be rezoned from the “A” Agriculture Zone to the “I” Institutional Zone.

(b) That Block “2” be rezoned from the “A” Agriculture Zone to the “I” – ‘H’ Institutional Holding Zone.

(c) That the draft By-law, attached as Appendix “D” to Report PED05180, as amended by Committee on December 6, 2005 regarding the ‘H’ provisions, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(d) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act to Block “2” by introducing the Holding symbol ‘H’ as a suffix to the proposed Zone. The Holding provision will prohibit the development of the subject lands until such time that the owner receives approval from the Ministry of Culture of an archaeological assessment for the subject lands. City Council may remove the ‘H’ symbol and, thereby, give effect to the “I” Zone provisions, by enactment of an amending By-law once the condition is fulfilled.

(e) That upon satisfying the condition of the ‘H’ symbol and submitting the required fee, the General Manager, Planning and Economic Development Department, be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act and to prepare a By-law, in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.

(f) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

CARRIED
35. Application for a Change in Zoning on a Portion of the Lands Known as 404 McNeilly Road (Stoney Creek) (PED05199) (Ward 11) (Item 6.5) (Kelly/Ferguson)

That approval be given to Zoning Application ZAR-05-100, Losani Homes, owner, for an amendment to the Zoning By-law for the former City of Stoney Creek, to change the zoning from the Prestige Industrial (Holding) “MT(H)” Zone, to the Prestige Industrial “MT-8” Zone in order to permit a contractor’s compound and outside storage on a portion of the lands known as 404 McNeilly Road, as shown on Appendix “A” to Report PED05199, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED05199, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(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 is in conformity with the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

CARRIED

36. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 715 Centre Road, Flamborough (PED05186) (Ward 15) (Item 6.6) (Ferguson/Kelly)

That approval be given to Amended Official Plan Amendment Application OPA-05-13 The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, owner, for an amendment to Site-Specific Area No. 41 to permit a Convent and Day Care Centre, for lands located at 715 Centre Road (Flamborough), as shown on Appendix “A” to Report PED05186.

(b) That approval be given to Zoning Application ZAC-05-74, The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, owner, for a change in zoning from “I-6” Institutional Zone, Modified, to “I-10” Institutional Zone, Modified, (Block “1”), and for a change in zoning from “02-6” Park Open Space Zone, Modified, to “02-7” Park Open Space Zone, Modified, (Block “2”), for lands known as 715 Centre Road, Flamborough, as shown on Appendix “A” to Report PED05186, on the following basis:

(i) That Block “1” be rezoned from Institutional “I-6” Zone, Modified, to Institutional “I-10” Zone, Modified.

(ii) That Block “2” be rezoned from Park Open Space “02-6” Zone, Modified, to Park Open Space “02-7” Zone, Modified.
(iii) That the “I” Institutional Zone provisions, as contained in Section 22 of Zoning By-law No. 90-145-Z (Flamborough), applicable to the lands identified on Appendix “A” as Block “1”, be modified to the extent only to permit a convent and a Day Care Centre.

(iv) That the amending By-law be added to Schedule “A-6” of Zoning By-law No. 90-145-Z (Flamborough).

(v) That the proposed changes in zoning will be in conformity with the Flamborough Official Plan upon finalization of Official Plan Amendment No. ___.

(vi) That the General Manager, Planning and Economic Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 87-57 and Schedule “A-6”, for presentation to Council.

CARRIED

37. Application for Approval of a Revised Draft Plan of Subdivision "Rockcliffe Heights Annex" for Lands Located at 208 Dundas Street East (Flamborough) (PED05187) (Ward 15) (Item 6.7)
(Merulla/Pearson)
That approval be given to Revised Draft Plan of Subdivision Application 25T90005(R), Tandi Construction Limited, owner, to revise a draft-approved plan of subdivision, “Rockcliffe Heights Annex”, on lands located at 208 Dundas Street East (Flamborough), to create five single-detached dwelling lots on a partial court, as shown as Appendix “A” to Report PED05187, subject to the execution of a City Standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED05187, and the following:

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

(b) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit,

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

(c) And that staff involve the Ward Councillor and the adjacent neighbour during the processing of the required grading and drainage plans for the draft plan of subdivision.

CARRIED
38. Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 341 Regional Road 20 (Stoney Creek) (PED05201) (Ward 11) (Item 6.8)  
(Mitchell/Merulla)  
That approval be given, in part, to Zoning Application ZAR-05-80, by Domenic Marini, Owner, for a modification to the Agricultural “A” Zone, to allow a Nursery Garden Centre and Home Industries, including Accessory Outdoor Storage as additional permitted uses, for portions of the lands located at 341 Regional Road 20 (Stoney Creek), as shown on Appendix “A” to Report PED05201, on the following basis:

(a) That Block “1” be rezoned from the Agricultural “A” Zone to the modified Agricultural “A-7” Zone.

(b) That Block “2” be rezoned from the Agricultural “A” Zone to the modified Agricultural “A-8” Zone.

(c) That the draft By-law, attached as Appendix “D” to Report PED05201, which has been prepared in a form satisfactory to Corporate Counsel, and as amended by Committee on December 06, 2005, to add “farm equipment service establishment”, as a permitted use, be enacted by City Council.

(d) That the amending By-law be added to Schedule “A”, Map No. 17, of Zoning By-law No. 3692-92.

(e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.  
CARRIED

39. Application for a Further Modification in Zoning for Lands Located at 811 King Street West (Hamilton) (PED05200) (Ward 1) (Item 6.9)  
(McHattie/Kelly)  
That approval be given to Zoning Application ZAR-05-101, 2050837 Ontario Inc. (Paolo Galli), owner, for a further modification to the current “H” (Community Shopping and Commercial, etc.) District, Modified, to permit the existing building on the subject lands to be converted to a 5-unit multiple dwelling, for lands located at 811 King Street West (Hamilton), as shown on Appendix "A" to Report PED05200, on the following basis:

(a) That the Draft By-law, attached as Appendix “C” to Report PED05200, which has been prepared in a form satisfactory to Corporate Counsel, not be forwarded to City Council for enactment until such time as the applicant has received approval of a site plan control application, to the satisfaction of the Manager, Development Planning.

CARRIED  

Council – December 14, 2005
(b) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

CARRIED

40. Application for a Change in Zoning for the Property Located at the Southeast Corner of Rymal Road East and Dakota Boulevard (Glanbrook) (PED05193) (Ward 11) (Item 6.10)

(Kelly/Ferguson)

That approval be given to Zoning Application ZAC-05-96, by Multi-Area Developments Inc., c/o Aldo DeSantis, owner, for a change in zoning from the Deferred Development “DD” Zone to the Neighbourhood Commercial - Holding “H-C1-205” Zone, to permit neighbourhood commercial and residential uses for the property located at the southeast corner of Rymal Road East and Dakota Boulevard (Glanbrook), as shown on Appendix “A” to Report PED05193, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED05193, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(b) That the Holding ‘H’ symbol not be removed until the Transportation Phasing Policies of Section B.3.7.2.1 of the Township of Glanbrook Official Plan have been addressed to the satisfaction of the City’s General Manager of Public Works.

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

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

(e) That upon satisfying the condition of the ‘H’ symbol and submitting the required fee, the Director of Development and Real Estate be authorized and directed to give the prescribed notice in accordance with the Planning Act, and to prepare a By-law in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.

CARRIED
Councillor McHattie opposed.

41. Application for Approval of a Draft Plan of Subdivision, "Lawfield Heights", and Change in Zoning for the Property Located at 50 Lawson Street (Hamilton) (PED05206) (Ward 7) (Item 6.11)

(Kelly/Merulla)

(a) That approval be given to Subdivision Application 25T-200519, by Adisco Limited, applicant, to establish a draft plan of subdivision known as "Lawfield Heights", and change in zoning for the property located at 50 Lawson Street (Hamilton) (PED05206) (Ward 7) on the following basis:

Council – December 14, 2005
Heights”, as redline revised, on lands located at 50 Lawson Street (Hamilton), as shown on Appendix “B” to Report PED05206, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED05206, all as amended by Committee on December 6, 2005, to eliminate the walkway between the end of the cul-de-sac and Lawfield Park, and to add one semi-detached lot facing Lawson Street, and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development, except for any applicable cost sharing for fencing;

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

(ii) That upon registration of the Subdivision Agreement, the Lawfield Neighbourhood Plan be amended to reflect the change in designation from “Civic & Institutional” to “Single & Double Residential” and to revise the road pattern to add a new road shown as Court “A”.

(iii) That the proposed draft plan of subdivision is in conformity with the Hamilton-Wentworth Official Plan, and the Official Plan of the City of Hamilton.

(b) That Zoning Application ZAC-05-81, by Adisco Limited, applicant, for a change in zoning from the “C” (Urban Protected Residential, Etc.) District to the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, to permit a lot for a semi-detached dwelling fronting onto Lawson Street, for a portion of the property located at 50 Lawson Street (Hamilton), as shown on Appendix “A” to Report PED05206, be approved, and that staff be directed to bring an appropriate by-law to Council.

CARRIED

42. Sign By-law Study Report (PED05172) (City Wide) (Item 7.1) (Pearson/Ferguson)

a) That the Sign By-law Study Report prepared by Martin Rendl Associates dated October 2005 and attached to Report PED05172 as Appendix A be received.

b) That the proposals for regulating signs in Hamilton, as found in the Martin Rendl Report and summarized in Section 4 of Appendix A to Report PED05172, be presented at another series of Public Consultation Sessions similar to those held in July and August 2005.

c) That, at the conclusion of the Public Consultation Sessions, Martin Rendl Associates, working in consultation with the City’s Legal Services Division,
prepare a draft of the new proposed Sign By-law for Council’s consideration at a future public meeting to be held early in 2006.  

CARRIED

43. **Status Report #2 on Proposed Lowndes Holdings Corp. Quarry, 11th Concession Road East, Official Plan Amendment Application OPA-04-17 and Zoning Application ZAC-04-89 (PD04244(b)) (Ward 15) (Item 8.1) (Merulla/Mitchell)**  
That report PED04244(B), regarding Lowndes Holdings Corp. Quarry, 11th Concession Road East, Official Plan Amendment Application OPA-04-17 and Zoning Application ZAC-04-89 be received  

CARRIED

44. **Appointment of Chair**  
(Ferguson/Mitchell)  
That Councillor Maria Pearson be appointed as Chair of the Planning and Economic Development Committee for 2006.  

CARRIED

45. **Appointment of Vice-Chair**  
(Merulla/Ferguson)  
That Councillor Dave Mitchell be appointed as First Vice-Chair and that Councillor Bob Bratina be appointed as Second Vice-Chair of the Planning and Economic Development Committee for 2006.  

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) **Changes to the Agenda**  
At the start of the meeting, the Clerk advised of the following additions to the Agenda:  

(a) Variance to Glanbrook Sign By-law No. 511-94, 2190 Rymal Road East (Glanbrook) (PED05220) (Ward 11) -Added Item 5.30

(b) Requests to speak to the Sign By-law Report, Item 7.1 from Brodie Swinderman, Richard Gibbs, and Jim Lamond.

Committee approved the Agenda, as amended.

Council – December 14, 2005
(b) **Declarations of Interest**

Councillor Ferguson declared an interest in Item 5.1, Dufferin Quarries, as one of his family is associated with the company concerned.

(c) **Chair**

During the course of the meeting, Chair Whitehead relinquished the Chair on several occasions to First Vice Chair Pearson in order to join in the debate and to request additional information from staff and the public.

(d) **Application for a Licence Under the Aggregate Resources Act by Dufferin Aggregates, Northwest Quadrant of Brock Rd. & 4th Concession West (Flamborough) (PED05049(a)) (Ward 14) (Item 5.1)**

Committee discussed the matter and had additional information supplied by staff. Committee initially tabled the application, pending the receipt of additional information. They subsequently re-visited the item, waived the rules of procedure, and approved the staff recommendation.

(e) **National Recognition of the Auchmar Estate (88 Fennell Avenue West, Hamilton) by the Historic Sites and Monuments Board of Canada (PED05191) (Ward 8) (Item 5.3)**

(f) **Funding of Structural Repairs to the Main House, Auchmar Estate, 88 Fennell Avenue West (PED05216) (Ward 8) (Item 5.5)**

Committee discussed these two matters together and had additional information supplied by staff. Committee expressed concerns about the state of disrepair of the buildings, the amount of money needed to address both the short and long term problems, the timing of the repairs and the source of money for the repairs.

Tim McCabe explained that a significant amount of money would be needed to repair the building and that an international Request for Proposals was to be issued, regarding the future use of the building. He explained that it would not be possible to de-designate the building as a provincial easement was in place. Staff was directed to consider funding of the repairs, and bring further suggestions to Council.
Committee also directed staff to bring a written report back on the long term costs for Auchmar and St. Mark’s Church.

(g) Report of the GTA Task Force on OMB Reform (PED05217) (City Wide) – Referred from Council on October 26, 2005 (Item 5.6)

Paul Mallard provided an overview of the report.

Committee approved the report.

(h) Application to Amend the Ancaster Sign By-law, 70 Garner Road East (Ancaster) (PED05196) (Ward 12) (Item 5.8)

Committee initially tabled the item, pending the receipt of additional information.

Committee later re-visited the item, waived the rules of procedure, and approved the staff recommendation.

(i) Demolition Permit – 819 Rymal Road East (PED05190) (Ward 7) (Item 5.14)

Following discussion, Committee approved the alternative staff recommendation to require a building permit prior to the issuance of the demolition permit.

(j) Demolition Permit – 968 West 5th Street (PED05202) (Ward 8) (Item 5.15)

Following discussion, Committee approved the alternative staff recommendation to require a building permit prior to the issuance of the demolition permit.

(k) Petitions to Remove the Sidewalks on Stoneglen Way and Solsbury Crescent and the Boulevard Between 468 and 518 Jones Road (Ward 11 with City Wide Implications) (PED05209) (Item 5.23)

Councillor Mitchell noted that it was important that the correct information about City policy on sidewalks in new subdivisions was given to homeowners. He explained that there is still a perception that a petition signed by one hundred percent of owners on a street could remove the requirement for a sidewalk. Staff confirmed the details of the City’s policy, and that a petition of the property owners is not sufficient to remove the requirement for a sidewalk.
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(l) Registry of Group Homes in the City of Hamilton (City Wide) (PED05211) (Item 5.24)

The report was approved by Committee with direction that staff be directed to advise the Ward Councillor regarding existing and proposed group homes in each of their respective wards.

(m) Application for a Change in Zoning for Lands Located at 2330 Guyatt Road (Glanbrook) (PED05188) (Ward 11) (Item 6.1)

A Public Meeting was held.

Chair Whitehead 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 and explained that the rezoning application was a result of the Ontario Municipal Board Order which approved the severance application. He noted that staff and the Committee of Adjustment did not support the severance.

Colin Brown, 2356 Woodburn Road, addressed Committee and requested clarification on the zoning proposal.

Ken Hudecki, 2395 Guyatt Road, addressed Committee and explained his concerns about the rezoning and the process which was being followed. He noted the difficulty which would be faced by a new owner buying the subject farmland and not being allowed to construct a farmhouse on the property.

Dino Morani, the applicant’s agent, addressed Committee in support of the staff recommendation.

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

Committee approved the staff recommendation.

(n) Application for a Change in Zoning for Lands Located at 2141 Woodburn Road (Glanbrook) (PED05189) (Ward 11) (Item 6.2)

A Public Meeting was held.

Council – December 14, 2005
Chair Whitehead 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 explained to Committee that the subject application was similar to the previous application on Guyatt Road.

Mr. Brown and Mr. Hudecki advised that they did not want to speak again and repeat their comments but signed the public meeting sheet, to ensure their right to appeal the decision of Council.

Mary Ann Price, 1268 Woodburn Road, addressed Committee and explained her dissatisfaction with the rezoning and the process being followed.

Dino Morano, the applicant’s agent, addressed Committee in support of the staff recommendation.

Committee approved the staff recommendation.

(o) Application for a Change in Zoning for Lands located at 1244 Upper Gage Avenue (Hamilton) (PED05181) (Ward 7) (Item 6.3)

A Public Meeting was held.

Chair Whitehead 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 Whitehead advised that an additional submission, from Donald Wilds, 1238 Upper Gage, had been received and distributed to Committee.

David Falletta was present to assist Committee with the report.

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

Steve Fraser, AJ Clarke and Associates, the applicant’s agent, confirmed his support for the recommendation.

Committee approved the staff recommendation.
Change in Zoning for Lands Located at 411 and 421 Kitty Murray Lane and the Rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster (PED05180) (Ward 12) (Item 6.4)

A Public Meeting was held.

Chair Whitehead 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.

Anita Fabac was present to assist Committee with the report. Staff advised that a minor change was being proposed to the recommendation, regarding the “H” provisions.

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

Matt Koevooots, the applicant’s agent, noted his support for the staff recommendation, including the amendments.

Committee approved the staff recommendation, as amended.

Application for a Change in Zoning on a Portion of the Lands Known as 404 McNeillly Road (Stoney Creek) (PED05199) (Ward 11) (Item 6.5)

A Public Meeting was held.

Chair Whitehead 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 was present to assist Committee with the report.

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

Ryan Oosterhof, Losani Homes, confirmed his support for the staff recommendation.

Committee approved the staff recommendation.
Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 715 Centre Road, Flamborough (PED05186) (Ward 15) (Item 6.6)

A Public Meeting was held.

Chair Whitehead 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.

Anita Fabac was present to assist Committee with the report.

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

Andrew Bacynski, the applicant’s agent, noted his support for the staff recommendation.

Committee approved the staff recommendation.

Councillor McCarthy requested that the need for lighting adjacent to the driveway at 715 Centre Road be addressed at the site plan stage.

Application for Approval of a Revised Draft Plan of Subdivision "Rockcliffe Heights Annex" for Lands Located at 208 Dundas Street East (Flamborough) (PED05187) (Ward 15) (Item 6.7)

A Public Meeting was held.

Chair Whitehead 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.

Donna Wallace, 54 Goldenview Court, addressed Committee with her concerns regarding the grading and elevations of the new subdivision. She noted that Lots 1 and 2, which back onto her property, are 6-8 feet above her backyard, and explained her concerns regarding drainage, landscaping and privacy.

Staff explained that the height of the new homes was already addressed in the existing zoning by-law for the subdivision but that grading and drainage matters would be addressed as part of the required submissions for the draft plan of subdivision.
Councillor McCarthy requested that she and Ms. Wallace be involved in the consideration of the grading and drainage plans for the subdivision.

Peter Tancredi, the applicant, confirmed his satisfaction with the staff recommendation.

Committee approved the staff recommendation, with the staff direction.

Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 341 Regional Road 20 (Stoney Creek) (PED05201) (Ward 11) (Item 6.8)

A Public Meeting was held.

Chair Whitehead 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 Whitehead noted that a petition against the application, signed by 34 residents had been distributed.

Matt Johnston outlined the report to Committee and explained that a number of concerns had been raised as a result of the public circulation. These related to greenbelt issues, traffic impact, devaluation of property values, pollution and the watercourse on the site, and flooding. As a result of these concerns, staff is recommending that the parking and storage of large vehicles on the site be prohibited. In addition, staff is recommending that an additional use, "farm equipment service establishment" be added to the permitted uses.

Councillor Mitchell advised that he had met with the applicant to discuss the issues raised in the petition. He noted that if the neighbours remained concerned with the proposal, the item should be tabled for further discussion at a Ward meeting.

No members of the public came forward to address Committee.

Sergio Manchia, the applicant’s agent, advised that he supported the staff recommendation, as amended.

Councillor Mitchell noted the absence of public speakers against the matter and said that he would advise the neighbours of the outcome of the public meeting.

Committee approved the staff recommendation, with the amendments as explained at the meeting.
(u) Application for a Further Modification in Zoning for Lands Located at 811 King Street West (Hamilton) (PED05200) (Ward 1) (Item 6.9)

A Public Meeting was held.

Chair Whitehead 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 Whitehead advised that a letter had been received from Weisz, Rocchi and Scholes, on behalf of adjacent owners, and that this had been distributed this morning.

Heather Travis was present to assist Committee with the report.

No members of the public came forward to address Committee.

The agent for the applicant, Paolo Galli, confirmed his support for the staff recommendation.

Committee approved the staff recommendation.

(v) Application for a Change in Zoning for the Property Located at the Southeast Corner of Rymal Road East and Dakota Boulevard (Glanbrook) (PED05193) (Ward 11) (Item 6.10)

A Public Meeting was held.

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

Greg Macdonald outlined the report to Committee and explained this site could be used for multiple residential and commercial uses and was part of the area included in ROPA 9.

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

The agent for the applicant confirmed his agreement with the staff recommendation.

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

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Councillor Bruckler requested that staff keep him informed on site development in this area, since it affects his Ward.

Councillor McHattie asked for clarification regarding future residential development on the site, and the applicant explained that local commercial development is proposed, with no residential.

Councillor Mitchell noted that a supply of neighbourhood commercial, within walking distance of homes, is desirable.

Staff confirmed that within the mixed-use areas, developers can choose whether to construct commercial or residential properties, or a mix.

Committee approved the staff recommendation.

Councillor McHattie requested that his opposition be recorded.

Application for Approval of a Draft Plan of Subdivision, "Lawfield Heights", and Change in Zoning for the Property Located at 50 Lawson Street (Hamilton) (PED05206) (Ward 7) (Item 6.11)

A Public Meeting was held.

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

Greg Macdonald outlined the report to Committee. He explained that staff was not in favour of approving one lot for a semi-detached dwelling (two units total) fronting Lawson Street, due to streetscape and compatibility issues. Mr. Macdonald noted that a walkway is proposed from the end of the cul-de-sac to the adjacent Lawfield Park.

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

Angelo Cameracci, the applicant’s agent, addressed Committee and supported the staff recommendation, with the exception of the proposed walkway and the elimination of the semi-detached lot. He explained that the walkway would not be a benefit to the new residents and that the semi-detached proposal represented an efficient use of land, in accord with Provincial policy.

Committee discussed the proposal and had additional information supplied by staff. Several Councillors noted that the semi-detached proposal was an efficient
use of land but that the walkway could lead to problems. These included non-residents parking on the street while using the adjacent park.

Committee approved the proposed development, as amended to include the retention of the semi-detached lot, fronting Lawson, and the elimination of the walkway.

Committee directed staff to review the issue of the location of dumpsters and commercial parking at the rear of the commercial buildings which back onto Lawson. Staff was also requested to consider the inclusion of a sloped feature, suitable for tobogganing, in Lawfield Park.

Sergio Manchia respecting the noise wall at the draft plan of subdivision, Southampton Phase 2 (delegation approved by Committee on November 15, 05) (Item 6.12)

Mr. Manchia addressed Committee and explained his reasons for requesting that any requirement for “concrete” as a material in the future conditions regarding the noise wall, be eliminated. He noted that other materials were suitable for noise walls.

Gavin Norman advised that he had prepared an information handout and explained that the conditions for approval of a noise wall had not yet been finalized. He noted that concrete would be a good choice of material, due to the location and exposure of the future wall, and said that a wood wall would not be suitable.

Committee discussed the matter and a copy of the staff handout was given to Mr. Manchia.

Committee tabled the matter, pending discussions between staff and the applicant, and the submission of detailed proposals to staff.

Sign By-law Study Report (PED05172) (City Wide) (Item 7.1)

Tom Redmond gave an overview of the Sign Study and explained that the first stage of the Study was now complete, and that a second round of public consultation was now proposed, which would be followed later by a proposed Sign By-law to cover the whole City.
Mr. Redmond noted that at the final stage, there would be an official public meeting and that today’s report represented an up-date to Committee.

Martin Rendl, the City’s consultant, gave an overview of the Sign By-law Study and its results, with the aid of a powerpoint presentation. Mr. Rendl highlighted the major public concerns as being too much clutter, too many temporary signs, too many posters on hydro poles and in other locations and a lack of enforcement. He explained how these matters will be addressed in the new By-law.

Committee asked a number of questions and discussed the information presented.

Councillor Ferguson expressed concerns that the City would be exempt from the new regulations and that animation on signs was distracting to motorists.

Councillor Pearson thanked staff and requested clarification on real estate signs and their location, on temporary mobile signs for community events, and how posters would be dealt with in future.

Councillor Bratina raised the issue of handmade signs and their constitutional protection.

Mr. Rendl and staff explained further details of the regulations. They explained that an outright ban on types of signage had been found unconstitutional by the courts and thus regulations for control of signs, and their prohibition in certain places, was the approach being taken.

Dan Mousseau advised that while all the major sign companies and the sign associations had been contacted, none had attended any of the Open Houses.

Mr. Rendl explained that any sign, legally erected under a previous sign by-law, could not be removed by the City, even if it did not comply with the new regulations. In addition, the Municipal Act does not permit a phase-out of signs.

Councillor McHattie asked if the Act could be changed, and a phase-out allowed.

Councillor Jackson noted that sign regulations must be a balance between the aesthetic needs of the community with business needs.

Kathy Drewitt, representing HABIA, made a powerpoint presentation to Committee, highlighting the key signage issues. She explained that all the BIAs on the HABIA Board were in support of the Sign By-law Study and presentation.

Committee received the HABIA presentation and thanked the presenters.
Brodie Swinderman was not present to address Committee.

Richard Gibbs was not present to address Committee.

Jim Lamond, Magnet Signs, addressed Committee with his concerns about the report. He noted the unfairness of the proposed regulations towards mobile signs, especially regarding the use of colour and the proposed six-week maximum time period.

Committee received Mr. Lamond’s presentation.

Committee received the staff report.

(z) Status Report #2 on Proposed Lowndes Holdings Corp. Quarry, 11th Concession Road East, Official Plan Amendment Application OPA-04-17 and Zoning Application ZAC-04-89 (PD04244(b)) (Ward 15) (Item 8.1)

Stan Holiday gave an overview of the staff report.

Graham Flint, FORCE, addressed Committee and gave an overview of how the community had mobilized to address the subject application, and how the lives of the residents were being adversely affected by the lengthy process. He noted that while the community was interested and wished to be actively involved, the applicant was not very responsive. He asked for the City’s help in balancing the process.

Mr. Flint also expressed concerns about the lack of detail in and preliminary appearance of the applicant’s reports.

Mr. Leibel, Goodmans, the lawyer for the applicant, addressed Committee and explained that his clients respected FORCE. He explained that his clients had agreed that all their technical reports be uploaded to the City website, that their onsite office is open weekly and that onsite visits would be permitted when the proposed extraction areas were finalized.

Mr. Leibel explained that the subject property was a good source of good quality aggregate, was appropriately designated in both the Regional and Local Official Plans and that its location was near to the growing markets in Southern Ontario.

Committee discussed the presentations and had additional information supplied by both speakers.
Mr. Leibel agreed that he would consult his clients about the possibility of a Citizen Liaison Committee and the appointment of a “point person” to handle the residents’ issues.

Committee received both presentations.

Committee received the staff report.

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

Sharon Vattay and David Cuming were present to assist Committee with the matter.

Elizabeth Manganelli, Hamilton Health Sciences, addressed Committee and explained the request on behalf of HHS and Mark Preece Family Houses to defer the recommendation for designation for six months, until after April 2006. She explained that there was a need for flexibility while the family houses proposal was being investigated. Ms. Manganelli noted that her group had discussed the issue with LACAC but that their letter in the summer requesting a further delay had not been well received.

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

On a Motion by Councillor Merulla, seconded by Councillor McHattie, the staff report was referred back to LACAC (Municipal Heritage Committee) for further consideration.

(bb) Motions (Item 10)

Committee confirmed the appointment of Councillor Pearson as Chair and Councillor Mitchell as First Vice-Chair and Councillor Bratina as Second Vice-Chair for 2006.

(cc) Private and Confidential

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

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On a Motion by Councillor Ferguson, seconded by Councillor Bratina, Committee resumed in Open Session.

Chair Whitehead advised the meeting that Committee had met In-Camera to consider a matter before the Ontario Municipal Board.

(dd) Notices of Motion

None

(ee) General Information

Committee agreed that due to the lateness of the hour, the consideration of Items from the Outstanding Business List would be held over until the next meeting.

(ff) Adjournment
(Merulla/Mitchell)

On a Motion, the Planning and Economic Development Committee adjourned at 3:40 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
December 6, 2005