Planning and Economic Development Committee

AMENDED REPORT 06-002
February 7, 2006
9:30 a.m.
Council Chambers
Hamilton City Hall

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

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

Absent: Councillor M. Ferguson – illness

Staff Present: L. Coveyduck, General Manager - Planning and Development
               T. McCabe, P. Mallard, T. Sergi, C. Thomas, G. Macdonald,
               S. Holiday, M. Johnson, D. Falletta, O. Quinn - Planning and Development
               N. Everson, C. Reid – Economic Development
               D. Fisher, H. Vastis, A. Zuidema – Legal
               T. Redmond – Building
               R. Marini – Downtown Renewal
               A. Rawlings – City Clerk’s Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS REPORT 06-002 AND RESPECTFULLY RECOMMENDS:

AT THEIR MEETING OF FEBRUARY 15, 2006, COUNCIL AMENDED ITEMS 2 AND 19, AS NOTED BELOW
1. **City Initiative for the Extension of an Interim Control By-law (CI-05-D) on the West Hamilton Industrial Area Including the Former Camco Property (PD05074(a)) (Ward 1) (Item 5.1)**

(a) That an Interim Control By-law No. 05-041 be extended pursuant to the provisions of Section 38 (2) of *The Planning Act, R.S.O., 1990*, for the lands zoned “K” District and shown on Schedule “A” of Appendix “A” to Report PD05074(a), to prohibit the use of land, buildings or structures for any uses permitted in the “K” district, for an additional period of one year from the date of the passage of By-law No. 05-041 by Council, save and except for:

(i) office uses, including laboratory, teaching, training and conference facilities;

(ii) such existing lawful uses carried on immediately prior to the passage of the Interim Control By-law and only within buildings existing as of the day of the passing of the Interim Control By-law; and/or

(iii) expansion to a maximum 10% of the existing gross floor area, or such existing lawful uses carried on immediately prior to passage of the Interim Control By-law.

(b) That the Interim Control By-law No. ______ attached as Appendix “A” to Report PD05074(a), which has been prepared in a form satisfactory to the City Solicitor, be presented to Council for passage.

(c) That the Interim Control By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1520 and that the subject lands on Zoning District Map Nos. W-23, W-24, W-33 and W-34 be noted as S-1520.

**AT THEIR MEETING OF FEBRUARY 15, 2006, COUNCIL AMENDED ITEM 2 BY THE ADDITION OF CLAUSE (c) AS FOLLOWS:**

2. **28 Lynden Avenue, Dundas - Servicing Agreement (PED06025) (Ward 13) (Item 5.2)**

(a) That the City enter into a Servicing Agreement with Rosa Macaluso and Salvatore Macaluso, owners of the property located at No. 28 Lynden Avenue, Dundas, to construct a municipal sewer from the intersection of Lynden Avenue and Little John Road to No. 28 Lynden Avenue, as shown on Appendix “A” to Report PED06025.

(a) That the lands identified as part of the Glanbrook Sanitary Landfill site at 1500 Haldibrook Road, Glanbrook, and described as Part 3 on Plan 62R-17168 (as shown on Appendix A to Report PED06029), having an area of .392 hectares (.9686 acres), be declared surplus to the requirements of the City of Hamilton; and that an easement be sold over these lands in accordance with the “Procedural By-law for the “Sale of Land”, being By-law 04-299, subject to payment of disbursements for legal and real estate services and costs related to changes to the Ministry of Environment’s Certificate of Approval incurred by the Waste Management Division.

(b) That the Easement Agreement to be executed by Hydro One Networks Inc. for the purchase of the easement over Part 3 on Plan 62R-17168 (as shown on Appendix B to Report PED06029), having an area of .392 hectares (.9686 acres), be approved and completed for the nominal consideration of One Dollar ($1.00) acknowledged as having been received by the City.

(c) That an existing easement over Part 2 on Plan 62R-17168, in favour of Hydro One Networks Inc., be released by the City of Hamilton contemporaneously and concurrently with the selling of an easement over Part 3 on Plan 62R-17168 to Hydro One Networks Inc.

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

(e) That this report be forwarded to the Glanbrook Landfill Co-ordinating Committee for its information.
4. Enterprise Zone Municipal Realty Tax Incentive Grant Program - Application for 260-280 King Street East, Hamilton “The Terraces on King” EZ05/03 (PED06030) (Ward 2) (Item 5.4)

a) That Application EZ05/03 for the proposed construction of a new mixed-use, 11 storey, 123 unit apartment building with commercial uses on the ground floor and an internal parking garage, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

b) That the existing buildings municipally known as 266-268 King Street East and 270-280 King Street East be removed from the City’s Inventory of Buildings of Architectural and/or Historical Interest in accordance with Item 5.2 in the November 24, 2005 Minutes of the Hamilton LACAC (Municipal Heritage Committee) meeting.

5. Removal of ‘H’ Holding Symbol from Lands Located at 397 Old Brock Road (Former Town of Flamborough) (PED06033) (Ward 14) (Item 5.5)

That approval be given to Zoning Application ZAH-05-11, Don and Donna Attridge, owners, for removal of the ‘H’ Holding symbol from the Settlement Residential Holding “R2-14(H)” Zone, to permit the development of a single detached dwelling on a new lot located at 397 Old Brock Road (former Town of Flamborough), as shown on Appendix “A” to Report PED06033, on the following basis:

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

(b) That the Draft By-law, attached as Appendix “B” to Report PED06033, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

6. Demolition Permit – 5 Morris Avenue (PED06035) (Ward 3) (Item 5.6)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 5 Morris Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.
7. Demolition Permit – 7 Morris Avenue (PED06036) (Ward 3) (Item 5.7)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 7 Morris Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

8. Dundas Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06038) (Ward 13) (Item 5.8)

a) That the 2006 operating budget for the Dundas B.I.A. (attached as Appendix ‘A’ to Report PED06038) be approved in the amount of $130,000;

b) That the levy portion of the operating budget for the Dundas B.I.A. in the amount of $100,000 be approved;

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

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

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tr>
<td>January</td>
<td>$25,000</td>
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<tr>
<td>April</td>
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<tr>
<td>July</td>
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<tr>
<td>October</td>
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9. Stoney Creek Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06041) (Ward 9) (Item 5.9)

a) That the 2006 operating budget for the Stoney Creek B.I.A. (attached as Appendix ‘A’ to Report PED06041) be approved in the amount of $22,800;

b) That the levy portion of the operating budget for the Stoney Creek B.I.A. in the amount of $15,460 be approved;

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

d) That the following schedule of payments for 2006 be approved:
January $3,865  
April  $3,865  
July   $3,865  
October $3,865  

10. Stoney Creek Business Improvement Area (B.I.A.) - Revised Board of Management (PED06042) (Ward 9) (Item 5.10)

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

Nadia Gigliotti, 47-49 King Street East

11. Ottawa Street Business Improvement Area (B.I.A.) - Revised Board of Management (PED06043) (Wards 3 & 4) (Item 5.11)

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

Howard Charlton, IPC Securities Corporation, 210 Ottawa Street North

12. ERASE Redevelopment Grant Application (ERG-05-04) – Quality Wood Products, 215 Cavell Avenue (PED06039) (Ward 3) (Item 5.13)

a) That ERASE Redevelopment Grant Application ERG-05-04, submitted by Quality Wood Products, owner of the property at 215 Cavell Avenue, for an ERASE Redevelopment Grant not to exceed $45,988 payable to Quality Wood Products over a maximum of 10 years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement; and,

b) That the City enter into an ERASE Redevelopment Agreement with Quality Wood Products regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 215 Cavell Avenue, with such agreement to be satisfactory to the City Solicitor.

13. City of Hamilton By-law 05-336 Right to Enter By-law for Property Maintenance - Address of Letter from Ivicon Construction Referral from Council Meeting of December 14, 2005 (PED06040/LS06002) (Ward 2) (Item 5.14)
That Report PED06040/LS06002 be received for information and that the by-law be retained in its present form.

14. Applications to Amend the Ancaster Official Plan and Zoning By-law for 159 Jerseyville Road West (Ancaster) (PED06027) (Ward 12) (Item 6.1)

(a) That approval be given to **Official Plan Amendment Application OPA-05-05, by Raffaele and Sonia Filice, owners**, for an amendment to the Ancaster Official Plan to redesignate Blocks “1” and “2” from “Institutional” to “Open Space and Conservation” to permit conservation uses and outdoor amenity area associated with a single detached dwelling on Block “3”, and to redesignate Block “3” from “Institutional” to “Residential” to permit the development of a new single detached dwelling, for lands located at 159 Jerseyville Road West (former Town of Ancaster), as shown on Appendix “A” to Report PED06027.

(b) That approval be given to **Zoning Amendment Application ZAR-05-45, Raffaele and Sonia Filice, owners**, to change the zoning for Block “1” from the Institutional “I” Zone to the Private Open Space “O1-543” Zone to permit conservation uses, to change the zoning for Block “2” from the Institutional “I” Zone to the Private Open Space “O1-544” Zone to permit outdoor amenity area associated with a single detached dwelling located on Block “3”, and to change the zoning for Block “3” from the Institutional “I” Zone to the Residential “R2-545” Zone to permit the development of a new single detached dwelling, for lands located at 159 Jerseyville Road West (former Town of Ancaster), as shown on Appendix “A” to Report PED06027, on the following basis:

(i) That Block “1” be rezoned from the Institutional “I” Zone to the Private Open Space “O1-543” Zone.

(ii) That Block “2” be rezoned from the Institutional “I” Zone to the Private Open Space “O1-544” Zone.

(iii) That Block “3” be rezoned from the Institutional “I” Zone to the Residential “R2-545” Zone.

(iv) That the Draft By-law, attached as Appendix “B” to Report No. PED06027, has been prepared in a form satisfactory to the City Solicitor.

(v) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Ancaster Official Plan upon approval of OPA No. ____.
That prior to the adoption of OPA No. ____ by By-law and the enactment of the implementing Zoning By-law, the owners shall enter into a servicing agreement with the City, to the satisfaction of the Manager of Development Engineering.

15. **Application to Amend the Flamborough Zoning By-law 90-145-Z For Property Located at 783 Brock Road (PED06031) (Ward 14) (Item 6.2)**

That approval be given to **Amended Zoning Application ZAR-05-84, John and Laurie O’Connor, owners**, to modify the Agricultural “A” Zone in order to permit a Garden Suite for a period of ten years, for lands located at 783 Brock Road, in the former Town of Flamborough, as shown on Appendix “A” to Report PED06031, 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 period of ten years.

(b) That the Draft By-law, as amended by Committee on February 7, 2006, regarding setbacks and location of the garden suite, attached as Appendix “B” to Report PED06031, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until the owner enters into an “Occupancy Agreement” with the City, which shall 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.

16. **Applications for an Official Plan Amendment and Change in Zoning for a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession (Stoney Creek) (PED06032) (Ward 11) (Item 6.3)**

(a) That approval be given to the application by **Seabreeze Estates Inc., owner**, for Official Plan Amendment No. ____, for a portion of the property located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession, in the Trillium Neighbourhood (Stoney Creek), as shown on Appendix “A” to Report PED06032, for a change in designation on Schedule “A4” – Urban Lakeshore Area Secondary Plan, by redesignating a portion of the subject lands from “Neighbourhood Park” to “Low Density Residential”.
(b) That approval be given to **Zoning Application ZAC-05-107, by Seabreeze Estates Inc., owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone, to permit single detached dwellings on the north side of Whitefish Crescent, as shown on Appendix “A” to Report PED06032, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED06032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

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

(iv) That upon finalization of the implementing By-law, the Trillium Neighbourhood Plan be amended to reflect the change in designation from “Neighbourhood Park” to “Low Density Residential”.

17. **Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site,) Ministry of Environment Reference #0897-652R28, PSC Industrial Services Canada Inc., Located at 52 Imperial Street, (Hamilton) (PED06002) (Ward 3) (Item 8.3)**

a) That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that the City of Hamilton DOES NOT SUPPORT the application **CA-05-02, PSC Industrial Services Canada Inc., applicant**, for an Amendment to an existing Provisional Certificate of Approval for an existing waste transfer/processing site to replace existing bulk storage tanks with an equal volume of drummed waste storage, to increase the approved service area to include all of North America, and to permit the storage of additional waste classes within an existing facility at 52 Imperial Street, as shown on Appendix “A” to Report PED06002, as the expansion proposed is not consistent with the neighbourhood

b) That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that, should the Ministry decide to approve the application, the City of Hamilton requests the following to be undertaken:

(i) That the proponent obtains the necessary building permit from the City’s Building and Licensing Division, which are required for modifications to the
existing building to accommodate the proposed drum operation storage facility.

(ii) That the Ministry of Environment thoroughly reviews for compatibility the types of waste classes proposed to be stored/handled at this facility through any amendment to the existing Certificate of Approval.

(iii) That the amended Provisional Certificate of Approval requires that a sufficient bond be provided for financial assurance for the removal of any materials left on the site should operations end.

(iv) That the amended Provisional Certificate of Approval includes a requirement that a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(v) That all other conditions and requirements of the Certificate of Approval remain in place.

(vi) That a copy of Report PED06002 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(vii) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the City Clerk, City of Hamilton.

c) That should the Ministry of Environment decide to approve the subject application CA-05-02, PSC Industrial Services Canada Inc., applicant, for an Amendment to an existing Provisional Certificate of Approval, that the City of Hamilton will initiate an appeal of the approval.

18.  **Hire a Licensed Mechanic to Conduct Taxicab Inspections (PD05141(a))**
     (City Wide) - Referred from City Council on May 25, 2005 (Item 12.1)

a) That Report PD05141(a) respecting the Hiring of a Licensed Mechanic to Conduct Taxicab Inspections, be received for information.

b) That Report PD05141(a) respecting the Hiring of a Licensed Mechanic to Conduct Taxicab Inspections, not be released as a public document.

Council – February 15, 2006
AT THEIR MEETING OF FEBRUARY 15, 2006, COUNCIL AMENDED ITEM 19, AS FOLLOWS;

19. **Official Plan Amendment 28 (former Town of Flamborough) (Item 12.2)**

That Planning and Economic Development Committee recommend that the legal opinion respecting Official Plan Amendment 28 (former Town of Flamborough) be released after Council has waived its privilege.

COUNCIL WAIVED ITS PRIVILEGE AND RELEASED THE LEGAL OPINION REGARDING OFFICIAL PLAN AMENDMENT 28.

20. **Ontario Municipal Board Hearing regarding Lover’s Lane, Ancaster (Added Item 12.4)**

That appropriate City staff be authorized to attend the up-coming Consolidated Ontario Municipal Board Hearing regarding the lands at 79 and 85 Lover’s Lane, former Town of Ancaster, (OMB Files C040033, R050065 and C050302).

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:

(i) **Addition of an In-Camera Item, respecting the up-coming Lover’s Lane OMB Hearing**

(ii) **That Item 8.1 Hamilton business Ambassador Programme be held over until the next meeting, at the request of Councillor Whitehead**

(iii) **That the following two speakers be allowed to address Committee on Item 5.12 ERASE Grant for BIOX:**

Wayne Simpson, 22 Oliver Street
Brenda Johnson, Environment Hamilton
(iv) That the following two speakers be allowed to address Committee on Item 5.14, Right To Enter By-law:

Tony Ivic, Ivicon Construction
Alan Buist and/or Sergio Manchia, Rebecca Street Holdings (Hamilton) Inc.

Committee approved the delegation requests and approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Hamed Topalovic, Bosnian Islamic Centre of Hamilton, respecting fine for snow clearing at 202 Barton Street East, Stoney Creek (Item 4.1)

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

(d) ERASE Redevelopment Grant Application (ERG-05-01) - BIOX Canada Ltd., 41 Oliver Street (PED06037) - (Ward 3) (Item 5.12)

Carolynn Reid provided an overview of the report and explained that the subject application met the requirements of the ERASE grant programme.

Wayne Simpson, 22 Oliver Street, addressed Committee and explained his concerns about the whole BIOX issue, including the lack of accountability, question of why City should give a grant on Federal land, potential for future contamination on site, damage to residential homes as a result of demolition on BIOX site and difficulties with insurance claims for damage.

Brenda Johnson, Environment Canada, addressed Committee and echoed the comments of Mr. Simpson. She explained the difficulties in dealing with BIOX and suggested Committee defer the consideration of any grant until the on-site issues had been properly addressed.

Committee discussed the matter in detail and had additional information supplied by staff and the speakers. Staff confirmed that there was an error in the report, and that BIOX would go ahead with their project, whether or not an ERASE grant was approved.
On a Motion by Councillor Merulla, seconded by Councillor McHattie, Committee tabled the report for a month, with direction to staff to bring a report back addressing the following:

- a chronology of events leading to BIOX application and recommendation

- whose responsibility is a clean-up of lands owned by the Federal Government and lands administered by the Port Authority

- the concerns raised by the delegations, including but not limited to: how a future clean-up of the site would be handled and paid for; the damage to residential homes; who is responsible and when will the money be forthcoming; the inappropriate method of demolition on the BIOX site,

and direction to staff to establish negotiations between the residents, Environment Hamilton, BIOX, City representatives, the Federal Government and any other appropriate agencies to make sure the issues raised, as noted above, are addressed.

Councillor Merulla then questioned why ERASE grants are listed under the Consent section of the Agenda and requested that, in future, they be listed under Discussion.

Councillor McHattie then raised concerns about how staff reports address the Triple Bottom Line section of reports, noting that the answers frequently did not reflect the reality of a situation.

Committee gave direction that this section of the reports should include better analysis.

(e) City of Hamilton By-law 05-336 Right to Enter By-law for Property Maintenance - Address of Letter from Ivicon Construction Referral from Council Meeting of December 14, 2005 (PED06040/LS06002) (Ward 2) (Item 5.14)

Ron Marini and Don Fisher provided an overview of the staff report.

Tony Ivic, Ivicon Construction, addressed Committee and expressed his concerns regarding the new By-law, and the work being done on the property adjacent to his building. He considered that the By-law was intended for maintenance and not construction, but that the adjacent owners were using the authority in the By-law for construction. He added that 45 encroachments had been created, as shown on his survey, that a court case was pending, that this was not a question of money, and that he would be unable to build as he had planned.
Committee discussed the matter and had additional information provided by staff. Mr. Fisher explained that the wording in the City By-law was taken directly from the Municipal Act and that it was appropriate for any further clarification to be provided through the Courts. Staff noted that the By-law would later be extended to other Downtowns, as the new zoning by-law was extended to these areas.

Allan Buist, a lawyer for Rebecca Street Holdings (Hamilton) Inc., addressed Committee on behalf of his client. He explained that the concerns expressed by Mr. Ivic related to work being done by his clients on their property adjacent to Mr. Ivic. Mr. Buist supported the By-law and the wording used.

Committee received the delegations and approved the staff report. Councillor Bratina requested he be recorded as opposed.

(f) Applications to Amend the Ancaster Official Plan and Zoning By-law for 159 Jerseyville Road West (Ancaster) (PED06027) (Ward 12) (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.

Owen Quinn outlined the report to Committee.

The property owners, Raffaele and Sonia Filice, advised that they were satisfied with the staff report.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(g) Application to Amend the Flamborough Zoning By-law 90-145-Z For Property Located at 783 Brock Road (PED06031) (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, and explained the proposed changes to the recommendation, being the location of the proposed unit and the rear and side yard setbacks.

The applicants indicated that they were satisfied with the recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation, as amended.

Applications for an Official Plan Amendment and Change in Zoning for a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession (Stoney Creek) (PED06032) (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.

Greg Macdonald outlined the report to Committee.

John Ariens, Planning and Engineering Initiatives Ltd., the applicant’s agent, advised that he was satisfied with the staff recommendation.

Len Holland, 65 Seabreeze, addressed Committee and explained his concerns with the proposed grading of the site. He noted that the adjacent land was five feet higher than his and so he was worried about the height of the future buildings and drainage or flooding to his property.

Mr. Ariens explained a land severance had already been granted and that drainage issues are typically addressed in the consent agreement.

Councillor Mitchell asked questions related to the drainage from a new development, including how this is approved, whether a bond is taken, and what happens when the drainage does not work in the future.

Tony Sergi provided an overview of the approval process and confirmed that securities were taken. However, he noted that problems may be encountered in
future when new home owners alter the approved drainage. Because of this, the responsibility cannot remain with the City, after the design has been finally approved.

Councillor Mitchell requested a letter confirming the assurances be provided to Mr. Holland but staff advised that this was not possible, although discussions on the item could take place.

Councillor Whitehead echoed Councillor Mitchell’s concerns and provided direction to staff to review the process for approval of grading and drainage in new subdivisions, including consideration of the City hiring the required engineering consultant, an analysis of the number of complaints received, and the type of complaints, and report back, with the aim of reducing or eliminating these concerns.

Mr. Sergi explained that a staff report was in preparation for late March or early April, respecting grading during development phase and after, when it had been altered.

Committee approved the staff recommendation.

(i) Applications for a Draft Plan of Subdivision and Zoning By-law Amendment for Lands Located in the Southwest Quadrant of the Westover Settlement Area (Flamborough) (PED06034) (Ward 14) (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.

Cam Thomas outlined the report to Committee.

Committee asked questions regarding the environmental standards and setbacks used in the consideration of the application, and how and when these may be updated or revised. Committee discussed whether additional setbacks should be included for the proposed buildings on the lots.

The applicant, Gary Aikema, and his agent, George McKibbin, advised they were in agreement with the staff recommendation.

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

Committee continued their discussion on the appropriateness of the setbacks from the environmental features of the site, and the desirability of placing
maximum setbacks of all buildings on the lots fronting Westover Road. The figure of 54 metres was discussed and the applicant noted this agreement with this.

Councillor McHattie suggested that additional consideration of the issues raised by Committee was needed, and that the land behind the houses should be left in a natural state.

On a Motion by Councillor McHattie, seconded by Councillor Merulla, the report was tabled for two weeks, with direction to staff to investigate and report back on the matters raised during the discussion, including, but not limited to, the setback requirements from the environmental features on site, whether these requirements should be changed, the imposition of a maximum setback for the lots fronting Westover Road, and the proposal to naturalize the rear of the lots.

(j) Hamilton Business Ambassador Program (PED06045) (City Wide) – Referred from Planning and Economic Development Committee on June 7, 2005 (Item 8.1)

Chair Pearson confirmed that, as noted earlier, this report is being tabled to the meeting of February 21, 2006.

(k) 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 8.2)

Councillor Mitchell noted that following the previous discussion at the Public Meeting, staff had revised the recommendation and by-law to include a Holding provision for the site. He noted that the applicant was not in agreement with the “H” provision, and has requested that the matter be tabled until he has addressed the issues on site.

On a Motion by Councillor Mitchell, seconded by Councillor Merulla, Committee agreed that the matter be tabled for a month.

(l) Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site,) Ministry of Environment Reference #0897-652R28, PSC Industrial Services Canada Inc., Located at 52 Imperial Street, (Hamilton) (PED06002) (Ward 3) (Item 8.3) (Tabled by Committee on January 17, 2006)
Councillor Merulla advised that the Ward Councillor, Councillor Morelli, was strongly opposed to this application, as the expansion is not consistent with the area. He indicated that if the MOE saw fit to approve it, that he recommended conditions included in the staff report should be attached as conditions of approval.

Councillor Morelli had also proposed that if the MOE approved it, the City would initiate an appeal.

On a Motion, Committee approved the revised recommendation.

(m) Lister Block- Lease - 28-50 James Street North, 5-21 and 33-35 King William Street, Hamilton, LIUNA Local 837 Lister Ltd. Partnership - Ward 2 (PD05095/FCS05052/CM05018) (Report is included for discussion purposes only, as it received Council approval May 9, 2005) (Item 8.4)

Committee discussed the status of the Lister Block Lease, using the approved staff report, and asked staff questions.

Staff confirmed the following:

- a draft Heritage Impact Assessment (HIA) has been received and the final report is expected by next Tuesday, and then goes to the City’s peer reviewers
- the lease is not conditional on the preservation of the building
- Municipal Heritage Committee will consider HIA and Peer Review and make recommendation to Planning and Economic Development Committee
- Required Heritage Permit Application will go to MHC and they will make a recommendation to Planning and Economic Development Committee.

Councillor Bratina then asked questions regarding the applicability of the Property Standards By-law to the Lister Block and staff confirmed the following:

- Property Standards By-law applies to all buildings in City of Hamilton
- when an Order to Comply issued, owner may choose to repair or choose to demolish
- no upkeep of the building over the last 10 years or so
- when a building is vacant, different standard of maintenance and requirement is for it to be boarded up

- where a vacant building becomes unsafe, the terms of the Ontario Building code are followed.

Chair Pearson thanked staff for the information.

(n) Removal of Items from the Outstanding Business List

By Motion, Committee removed the following items from the Outstanding Business List:

i) Postering on public property, as this item as being dealt with as a part of the new Sign By-law;

ii) Relocation/ Reduction of facilities costs, as this item has been dealt with;

iii) GTA Clean Air Council/air quality monitoring in Hamilton, as a memo explaining the issue has been sent to members;

iv) Letter from Niagara Region regarding enhancement of security at the border with the USA, as this matter has been dealt with by changes to government regulations;

v) Tax sale properties -123 Princess Street, as staff has provided details respecting the process

(o) General Information (Item 11)

Helen Vastis provided information regarding 123 Princess Street and confirmed that the standard process was followed in this matter.

On a Motion by Councillor Mitchell, seconded by Councillor Bratina, Committee removed the item from the Outstanding Business List.

Councillor Whitehead asked about the length of time being taken to get sewer services installed on West 5th Street. Ms. Vastis gave an overview of the process, which is pursuant to the Expropriation Act, and advised it should be completed within 6 months – 12 months, if no hearing is required.
Councillor Whitehead raised the issue of the Chedoke Foundation 22 acres which is to be developed and expressed concerns that development in the neighbourhood should be addressed comprehensively.

Ms. Coveyduck suggested that he speak with Planning staff about the available options regarding the future planning of the area.

Councillor Braden asked for clarification regarding the timing of comments on the Peak Oil report. The Clerk explained that the January 17, 2006 Minutes of the Committee reflected what had been discussed at that meeting, and that any discussions or information raised at Council should be addressed at Council.

Councillor Mitchell asked for an update on the Ferro Lands, 5th Road, Stoney Creek, and directed staff to expedite completion of this matter.

(p) Confidential Items (Item 12)

On a Motion by Councillor Mitchell, seconded by Councillor McHattie, Committee moved In-Camera at 1:00 pm to consider one item relating to an identifiable individual and three items where advice from legal counsel was required.

On a Motion by Councillor Bratina, seconded by Councillor Mitchell, Committee resumed in Open Session at 1:40 pm.

Committee passed a Motion regarding Item 12.1, the Hiring of a Licensed Mechanic, on Item 12.2, Official Plan Amendment 28, and on Item 12.4, Lover’s Lane.

Chair Pearson noted that there was no action from the discussion on Item 12.3, the Lister Block Lease.

That Planning and Economic Development Committee recommend that the legal opinion respecting Official Plan Amendment 28 (former town of Flamborough) be released after Council has waived its privilege.

(q) Adjournment

On a Motion, the Planning and Economic Development Committee adjourned at 1:45 p.m.

Respectfully submitted,

Council – February 15, 2006
Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
February 7, 2006