THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 09-016 AND RESPECTFULLY RECOMMENDS:

1. Application to Amend the Ancaster Fence By-law No. 82-82, for Property Located at 5 Ravina Crescent (Ancaster) (PED09218) (Ward 12) (Item 5.1)

That approval be given to Fence By-law Amendment Application FB-09-001 Nicole Hood, Owner, to amend Fence By-law 82-82 (Ancaster) to permit a maximum fence height of 2.13 metres, in association with a single family use for the property located at 5 Ravina Crescent, (Ancaster), as shown on Appendix “A” to Report PED09218, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09218, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
2. Declaration of Surplus Property and Sale of City Lands Known as 140 King William Street, Hamilton to Hamilton Realty Capital Corporation Inc. (PED09226) (Ward 2) (Item 5.2)

(a) That an L-shaped parcel described as Parts 1 and 2, Plan 62R-12500 and Lots 20 and 21, Registrar’s Compiled Plan 1393, owned by the City and operating as Car Park Lot 5, known municipally as 140 King William Street as shown on Appendix “A” attached to Report PED09226, having a frontage of 303 feet more or less along the south limit of King William Street and a depth of 228 feet along Walnut Street, identified as PIN 17168-0056, be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands to Hamilton Realty Capital Corporation Inc. at fair market value.

(c) That the required deposit of 10% of the purchase price be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction.

(d) That the sale proceeds, less real estate and legal administrative costs, be deposited in Account No. 47702-108021 (HMPS Parking Capital Reserve).

(e) That the fair market value of the subject property be determined by an independent, professional appraiser in good standing with the Appraisal Institute of Canada, and that the fees for the appraisal be expensed to Hamilton Realty Capital Corporation Inc.

(f) That the Hamilton Realty Capital Corporation Inc. and the City’s Parking and By-Law Services Division work in collaboration to develop terms for the operation of a new parking facility, failing which, the Option to Purchase shall become null and void. Hamilton Realty Capital Corporation Inc. will apply for all applicable zoning and site plan approvals at its own expense.

(g) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That the subject lands be declared surplus by inclusion of Report PED09226 to City Council.
(ii) That in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a) (6), sufficient notice to the public is given by way of Report PED09226 to City Council.

3. Parking Regulations in Hess Village (PED09230) (Ward 2) (Item 5.3)

(a) That a “Taxi Zone, 1:00 a.m. to 4:00 a.m., Friday and Saturday” regulation be implemented on the south side of King Street from Queen Street to Caroline Street.

(b) That a “Taxi Zone, 1:00 a.m. to 4:00 a.m., Friday and Saturday” regulation be implemented on the north side of Main Street from Queen Street to Caroline Street.

(c) That a “No Stopping, 9:00 p.m. to 4:00 a.m., Friday and Saturday” regulation be implemented on both sides of Hess Street between Main Street and King Street, in the existing metered parking areas.

(d) That a “No Stopping, 9:00 p.m. to 4:00 a.m., Friday and Saturday” regulation be implemented on the south side of George Street between Hess Street and Caroline Street, and on the north side of George Street in the of metered parking area.

(e) That the existing “Taxi Zone, 6:00 p.m. to 3:00 a.m., Monday to Sunday” regulation on the east side of Queen Street between George Street and King Street be deleted.

(g) That the proposed amending by-law attached as Appendix ‘A’ to Report PED09230, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

4. Heritage Permit Application (HP2009-023) Under Part V of the Ontario Heritage Act to Demolish an Existing Garage and Construct a New Garage at 130 Mill Street North (Mill Street Heritage Conservation District), Waterdown (PED09207) (Ward 15) (Item 5.4)

That approval be given to Heritage Permit Application (HP2009-023), by Thomas J. Sammon, Owner, to permit the demolition of an existing detached garage and construction of a new detached garage for the designated property at 130 Mill Street North, Waterdown, as shown on Appendix “A” to Report PED09027, subject to the following condition:
5. Commercial Heritage Improvement and Restoration Program (CHIRP) Spring 2009 Grant Applications (Wards 9, 12 and 13) (PED09211) (Item 5.5)

(a) That a Conditional Grant Agreement be issued within the terms of the Commercial Heritage Improvement and Restoration Program (CHIRP) for four projects identified in Appendix “A” to Report PED09211.

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

(c) That the grant portion for the four projects, in the total amount of $64,602.15, be funded from the CHIRP Reserve 102047.

(d) That the Director of Planning be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion for each individual grant does not exceed $20,000.00, and that any grant increase/decrease is in accordance with all program requirements.

(e) That the Director of Planning be authorized to approve a maximum extension period of ninety days to the applicants for the completion of the work, over and above the one-year period that the applicants are given in accordance with the terms and guidelines of the program, which commences the date Council approves the grant.

(f) That staff be authorized and directed to prepare and execute a Letter of Understanding with the applicants, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

(g) That where identified as being required, the applicants shall obtain a Heritage Permit prior to commencing their respective projects.

6. Demolition Permit – 226 Duke Street (PED09213) (Ward 1) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 226 Duke Street in accordance with By-Law 08-226 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

Council – August 13, 2009
(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 Services and to the City Solicitor; 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.

7. Demolition Permit – 22 Haymarket Street (PED09223) (Ward 2) (Item 5.7)

That the Director of Building Services be authorized and directed to issue a demolition permit for 22 Haymarket Street in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

8. Demolition Permit – 40 Maple Avenue (Flamborough) (PED09193) (Ward 14) (Item 5.8)

That the Director of Building Services be authorized and directed to issue a demolition permit for 40 Maple Avenue (Flamborough) in accordance with By-Law 08-226 pursuant to 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 Services and to the City Solicitor; 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.

9. Demolition Permit – 125 Centennial Parkway North (PED09209) (Ward 5) (Item 5.9)

That the Director of Building Services be authorized and directed to issue a demolition permit for 125 Centennial Parkway North in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

10. Demolition Permit – 674 Beach Boulevard (PED09204) (Ward 5) (Item 5.10)

That the Director of Building Services be authorized and directed to issue a demolition permit for 674 Beach Boulevard in accordance with By-Law 08-226 pursuant to 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 Services and to the City Solicitor; 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.

11. Demolition Permit – 7 King Street East (Stoney Creek) (PED09221) (Ward 9) (Item 5.11)

That the Director of Building Services be authorized and directed to issue a demolition permit for 7 King Street East (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

12. Demolition Permit – 178 Millen Road (Stoney Creek) (PED09233) (Ward 10) (Item 5.12)

That the Director of Building Services be authorized and directed to issue a demolition permit for 178 Millen Road (Stoney Creek) in accordance with By-Law 08-226 pursuant to 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 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 Services and to the City Solicitor; 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.
13.** Demolition Permit – 89 Creanona Blvd. (Stoney Creek) (PED09225) (Ward 11) (Item 5.13)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 89 Creanona Blvd. (Stoney Creek) in accordance with By-Law 08-226 pursuant to 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 Services and to the City Solicitor; 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.

14.** Demolition Permit – 51 Windemere Road (Stoney Creek) (PED09216) (Ward 11) (Item 5.14)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 51 Windemere Road (Stoney Creek) in accordance with By-Law 08-226 pursuant to 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;
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;

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 Services and to the City Solicitor; and,

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.

15. Demolition Permit – 2474 Regional Road 56 (Glanbrook) (PED09199) (Ward 11) (Item 5.15)

That the Director of Building Services be authorized and directed to issue a demolition permit for 2474 Regional Road 56 (Glanbrook) in accordance with By-law 08-226 pursuant to Section 33 of The Planning Act as amended.

16. Demolition Permit – 190 Blair Lane (Ancaster) (PED09217) (Ward 12) (Item 5.16)

That the Director of Building Services be authorized and directed to issue a demolition permit for 190 Blair Lane (Ancaster) in accordance with By-Law 08-226 pursuant to 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 Services and to the City Solicitor; and,

Council – August 13, 2009
17. Demolition Permit – 811 Haig Road (Ancaster) (PED09227) (Ward 12) (Item 5.17)

That the Director of Building Services be authorized and directed to issue a demolition permit for 811 Haig Road (Ancaster) in accordance with By-Law 08-226 pursuant to 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 Services and to the City Solicitor; 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.

18. Demolition Permit – 180 Mohawk Road (Ancaster) (PED09222) (Ward 12) (Item 5.18)

That the Director of Building Services be authorized and directed to issue a demolition permit for 180 Mohawk Road (Ancaster) in accordance with By-Law 08-226 pursuant to 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 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 Services and to the City Solicitor; 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.


That the Director of Building Services be authorized and directed to issue a demolition permit for 886 Golf Links Road (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

20. Demolition Permit – 188 5th Concession Road East (Flamborough) (PED09229) (Ward 15) (Item 5.20)

That the Director of Building Services be authorized and directed to issue a demolition permit for 188 5th Concession Road East (Flamborough) in accordance with By-Law 08-226 pursuant to 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 limit, that the City be paid the sum of $20,000;

Council – August 13, 2009
(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 Services and to the City Solicitor; 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.

21. Demolition Permit – 36 Raglan Street (Flamborough) (PED09214) (Ward 15) (Item 5.21)

That the Director of Building Services be authorized and directed to issue a demolition permit for 36 Raglan Street (Flamborough) in accordance with By-Law 08-226 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 Services and to the City Solicitor; 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.

Council – August 13, 2009
22. **Demolition Permit – 1724 Centre Road (Flamborough) (PED09205) (Ward 15) (Item 5.22)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 1724 Centre Road (Flamborough) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

23. **BIO 2009 Conference (PED09198) (City Wide) Item 5.23)**

That Report PED09198), BIO 2009 Conference, be received for information.

24. **Banff World Television Festival 2009 (PED09228) (City Wide) (Item 5.24)**

That Report PED09228, Banff World Television Festival 2009, be received for information.

25. **Parking on Agnes Street (Item 6.1)**

That unrestricted parking be returned to Agnes Street and that the appropriate amending by-law be presented to Council for enactment.

26. **Application for a Change in Zoning for the Lands Located at 929 West 5th Street (Hamilton) (PED09202) (Ward 8) (Item 6.2)**

That approval be given to **Zoning Application ZAR-08-054, by Paul Silvestri, Owner**, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District for the rear portion of lands located at 929 West 5th Street, as shown on Appendix “A” to Report PED09202, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.
27. Application to Amend City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 280 Bay Street South (Hamilton) (PED09210) (Ward 2) (Item 6.3)

That approval be given to Zoning Application ZAR-09-015, by Dr. Cindy Hamielec, Applicant, for a change in zoning from the Community Institutional (I2) Zone, to the Community Institutional (I2, C22) Zone with a Special Exception, in order to permit a maximum of three units in an existing residential dwelling, located at 280 Bay Street South, as shown on Appendix “A” to Report PED09210, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09210, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

28. Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Lands Located at the Southeast Corner of Dartmouth Gate and Palacebeach Trail (Stoney Creek) (PED09190) (Ward 11) (Item 6.4)

(a) That approval be given to Official Plan Amendment Application OPA-08-016, by Marz Homes Holdings Inc., Owner, for Official Plan Amendment No. _____ to amend Schedule ‘A4’, Urban Lakeshore Area Secondary Plan (Trillium Neighbourhood) from “General Commercial” to “Medium Density Residential”, of the Official Plan for the City of Stoney Creek, for the lands located on Part of Block 1, Registered Plan 62M-1082, “Bridgeport - Phase 2” (Stoney Creek), as shown on Appendix “A” to Report PED09190, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09190, be held in abeyance until such time that the Owner has entered into a Development Agreement with the City of Hamilton, to the satisfaction of the Director of Development Engineering.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Amended Zoning Application ZAC-08-070, by Marz Homes Holdings Inc., Owner, for changes in zoning from the General Commercial “GC” Zone to the Multiple Residential “RM2-18” Zone
(Block 1), with a Special Exception (Zoning By-law 3692-92), and to the Conservation/Hazard Land (P5) Zone (Block 2) (Zoning By-law 05-200), for the lands located on Part of Block 1, Registered Plan 62M-1082, “Bridgeport - Phase 2” (Stoney Creek), as shown on Appendix “A” to Report PED09190, on the following basis:

(i) That the implementing Zoning By-laws, attached as Appendices “C” and “D” to Report PED09190, which have been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into a Development Agreement with the City of Hamilton, to the satisfaction of the Director of Development Engineering.

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

(iii) That the amending By-law, attached as Appendix “D”, be added to Schedule ‘A’, Map No. 1150, of Zoning By-law No. 05-200.

(iv) That the proposed changes in zoning are in conformity with the Hamilton- Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon approval of OPA No. 05.

(c) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision once Official Plan Amendment No. 05 in Recommendation (a) is final and binding.

29. Application for Changes in Zoning for Lands Located at 830 - 836, 840 Upper James Street (Hamilton) (PED09232) (Ward 8) (Item 6.5)

That approval be given to amended Zoning By-law Application ZAR-08-066, by J. Beume Real Estate Limited, Owner, for changes in zoning from the “HH/S-509a” (Restricted Community Shopping and Commercial) District, Modified, (Block 3) and the “HH” (Restricted Community Shopping and Commercial) District (Block 4) to the “HH/S-509b” (Restricted Community Shopping and Commercial) District, with a Special Exception, to expand the range of permitted commercial uses to include restaurants without drive-throughs and reduce the required parking space dimension; and from the “H/S-542” (Community Shopping and Commercial, etc.) District, Modified, (Block 2) and the “H” (Community Shopping and Commercial, etc.) District (Block 1) to the “H/S-542a” (Commercial Shopping and Commercial, etc.) District, with a Special Exception, to reduce the required parking space dimension for lands located at

Council – August 13, 2009
830-836, and 840 Upper James Street (Hamilton), as shown in Appendix “A” to Report PED09232 on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED09232, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on August 10, 2009, to prohibit drive-throughs for any land use on the site, be held in abeyance until such time that the Owner submits a signed Record of Site Condition (RSC). The RSC must be to the satisfaction of the Director of Planning, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administrative fee.

(b) That the proposed changes in zoning are in conformity with the Places To Grow Plan, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

30. Application for a Change in Zoning for Lands Located at 1525 Stone Church Road East (Hamilton) (PED09224) (Ward 6) (Item 6.6)

That approval be given to amended Zoning Application ZAC-08-044, by J. Beume Real Estate, Owner, for changes in zoning from the “M-13/S-563” (Prestige Industrial) District (Block 1) and the “M-13” (Prestige Industrial) District (Block 2) to the “M-13/S-563a” (Prestige Industrial) District, with a Special Exception, in order to add a restaurant, a bank, a fitness club, professional and business offices, and a building or contracting supply establishment as additional permitted uses, for lands located at 1525 Stone Church Road East (Hamilton), as shown on Appendix “A” to Report PED09224, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09224, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

31. Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9) (Item 6.7)

(a) That approval be given to amended Draft Plan of Subdivision Application 25T-200706 by Tobyn Park Homes Inc., Owner, to
establish a Draft Plan of Subdivision known as “Tobyn Park Homes”, on lands located within Part of Lots 31 and 32, Concession 7, municipally known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek), as shown on Appendix “A” to Report PED09201, subject to the following conditions:

(i) That this approval apply to “Tobyn Park Homes”, as red-line revised, prepared by MacKay, MacKay & Peters Ltd., and certified by Dasha Page, OLS, dated January 29, 2009, showing 55 lots (Lots 1-55) for single detached dwellings, two blocks (Blocks 58 and 60) for a maximum of 67 townhouse dwelling units, one block (Block 56) for a maximum 111 unit retirement home, one block (Block 59) for an open space channel, one block (Block 57) for a road widening, and the creation of one street (Street “A”), attached as Appendix “B” to Report PED09201, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E”;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City’s Development Charge Reserve with respect to this development for the following item:

(1) Urbanization of Highland Road West from Winterberry Drive to Upper Mount Albion Road, including any necessary intersection improvements, the Owner shall be responsible for 100% of the underground works, and 50% of the aboveground works based on a local road. The City will pay 50% of the aboveground works and any oversizing in accordance with the City’s financial policies at the time of development;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1 - 55) and the retirement home (Block 56) 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 each building permit. Payment of Cash-in-Lieu of Parkland for Blocks 58 and 60 will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first building permit;

all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.
(b) That approval be given to **Official Plan Amendment Application OPA-07-010, by Tobyn Park Homes Inc., Owner**, for Official Plan Amendment No. [insert number], to amend Schedule "A", General Land Use Plan, from “Open Space” to “Institutional”, from “Institutional” to “Residential”, and from “Residential” to “Open Space”, and Schedule “A3”, Secondary Plan - West Mountain Planning District (Heritage Green), from “Institutional” to “Open Space”, from “Community Park” to “Institutional”, from “Institutional” to “Low Density Residential”, from “Institutional” to “Medium Density Residential”, from “Institutional” to “General Open Space”, from “Elementary School” to “Medium Density Residential”, from “Elementary School” to “General Open Space”, and from “Elementary School” to “Low Density Residential”, of the Official Plan for the City of Stoney Creek, on lands municipally known as 390 Highland Road West, Stoney Creek, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “F” to Report PED09201, be adopted by City Council.

(c) That approval be given to **Zoning Application ZAC-07-040, by Tobyn Park Homes Inc., Owner**, for changes in zoning from the Neighbourhood Development “ND” Zone to: the Major Institutional (I3) Zone (Block 1); the Single Residential “R4-20” Zone, with a Special Exception (Block 2); the Single Residential “R4” Zone (Blocks 3 and 4); the Multiple Residential “RM3-33” Zone, with a Special Exception (Block 5); the Multiple Residential “RM3-39” Zone, with a Special Exception (Block 6); and, the Conservation/Hazard (P5) Zone (Block 7), on lands municipally known as 390 Highland Road West, Stoney Creek, as shown on Appendix “A” to Report PED09201, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09201, 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. 15 of Zoning By-law No. 3692.

(iii) That the draft By-law, attached as Appendix “D” to Report PED09201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map No. 1502 of Zoning By-law No. 05-200.

(v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the
Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment No.

(d) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision once the Official Plan Amendment No. in Recommendation (b) is final and binding.

(e) That the access be moved from Winterberry Drive to Highland Road;

(f) That the “no parking” requirements on the west side of Winterberry Drive be maintained.

32. Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9) (Item 6.8)

(a) That approval be given to Official Plan Amendment Application OPA-07-037, by Ministry of Energy and Infrastructure, Owner, for Official Plan Amendment No. , to amend Schedule ‘A’, General Land Use Plan, from “Agricultural” to “Industrial-Business Park”, and to amend Schedule ‘A3’, West Mountain Planning District Secondary Plan, from Special Policy Area “D” to “Industrial-Business Park”, of the Official Plan for the City of Stoney Creek, for the lands located on Part of Lot 33, Concession 7, in the former Township of Saltfleet (Stoney Creek), shown as Block 1 on Appendix “A” to Report PED09185, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09185, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Amended Zoning Application ZAC-07-113, by Ministry of Energy and Infrastructure, Owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Prestige Industrial “MT-10” Zone, with a Special Exception in Zoning By-law No. 3692-92 (Stoney Creek), and changes in zoning from the “M-12” (Prestige
Industrial) District, “M-14” (Prestige Industrial) District and “AA” (Agricultural) District to the “M-14/S-1590” (Prestige Industrial) District, with a Special Exception in Zoning By-law No. 6593 (Hamilton), to permit prestige industrial development on the lands located on Part of Lots 33 and 34, Concession 7, in the former Township of Saltfleet (Stoney Creek), shown as Blocks 1, 2, 3 and 4 on Appendix “A” to Report PED09185, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09185, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering;

(ii) That the draft By-law, attached as Appendix “D” to Report PED09185, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering;

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon approval of OPA No. ____.

(c) That upon finalization of the implementing By-law, attached as Appendix “D”, the East Mountain Industrial-Business Park Neighbourhood Plan be amended to redesignate a portion of the lands, shown as Block 3 on Appendix “A” to Report PED09185, from “Restricted Industrial-Commercial” to “Restricted Industrial”.

33. Application for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Southwest Corner of Stone Church Road East and the Trinity Church Road Extension (Hamilton) (PED09188) (Ward 6) (Item 6.9)

(a) That approval be given to Amended Zoning Application ZAC-07-104, by Ministry of Energy and Infrastructure, Owner, for a change in zoning from the “M-14” (Prestige Industrial) District (Block 1) and “M-12” (Prestige Industrial) District (Block 2) to the “M-14/S-1583” (Prestige Industrial) District, with a Special Exception in Zoning By-law No. 6593 (Hamilton), to
permit prestige industrial development on the lands located on Part of Lot 34, Concession 7 (Saltfleet), as shown on Appendix “A” to Report PED09188, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED09188, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

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

(b) That upon finalization of the implementing By-law, the East Mountain Industrial-Business Park Neighbourhood Plan be amended to redesignate a portion of the lands, shown as Block 2 on Appendix “A” to Report PED09188, from “Restricted Industrial-Commercial” to “Restricted Industrial”.

34. Application for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Southwest Corner of Highland Road and the Trinity Church Road Extension (Hamilton) (PED09189) (Ward 6) (Item 6.10)

(a) That approval be given to Amended Zoning Application ZAC-07-109, by Ministry of Energy and Infrastructure, Owner, for changes in zoning from the “M-12” (Prestige Industrial), the “M-13” (Prestige Industrial), and the “M-14” (Prestige Industrial) Districts, to the “M-14/S-1607(H)” (Prestige Industrial - Holding) District, with a Holding Provision and a Special Exception in Zoning By-law No. 6593 (Hamilton), for the lands located on Part of Lot 34, Concession 8 (Saltfleet), as shown on Appendix “A” to Report PED09189, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED09189, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.
(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(b) That upon finalization of the implementing By-law, the East Mountain Industrial-Business Park Neighbourhood Plan be amended to redesignate the subject lands from “Restricted Industrial - Commercial” to “Restricted Industrial”.

35. Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9) (Item 6.11)

(a) That approval be given to amended Official Plan Amendment Application OPA-07-036, by the Ministry of Energy and Infrastructure, Owner, for Official Plan Amendment No. [insert number], to amend Schedule ‘A’, General Land Use Plan, from “Service Commercial”, “Open Space” and “Residential” to “Mixed Use” and “Residential”, and Schedule ‘A3’, Secondary Plan - West Mountain Planning District (Heritage Green), from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”, on the lands located at the northwest corner of Highland Road and Upper Mount Albion Road, known as Part of Lot 33, Concession 7, in the former Township of Saltfleet (Stoney Creek), as shown on Appendix “A” to Report PED09220, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED09220, be held in abeyance until such time as the City of Hamilton and the Ministry of Energy and Infrastructure have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to amended Zoning Application ZAC-07-112, by the Ministry of Energy and Infrastructure, Owner, for changes in Zoning from the Neighbourhood Development “ND” Zone to the Mixed Use Commercial (Holding) “MUC-2 (H)” Zone, with a Special Exception (Block 1), the Mixed Use Commercial (Holding) “MUC-3 (H)” Zone, with a Special Exception (Block 2), and the Multiple Residential (Holding) “RM3-34 (H)” Zone, with a Special Exception (Block 3), to permit future mixed
use development on the westerly and northerly portions of the subject lands, and medium-high density residential development on the south-easterly portion of the subject lands, for the lands located at the northwest corner of Highland Road and Upper Mount Albion Road (Stoney Creek), as shown on Appendix “B” to Report PED09220, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED09220, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as the City of Hamilton and the Ontario Realty Corporation have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

(ii) That the amending By-law be added to Schedule ‘A’, Map No. 15, of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of OPA No. 

(c) That upon finalization of the implementing By-laws, the Valley Park Neighbourhood Plan be amended to change the designation of the subject lands from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”.

(d) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision, once Official Plan Amendment No. in Recommendation (a) is final and binding.

36. **By-Law and Policy To Regulate Location Filming in the City of Hamilton (PED09219) (City Wide) (Item 6.12)**

(a) That the by-law to regulate location filming in the City of Hamilton attached as Appendix A to Report PED09219 be enacted by City Council.

(b) That the Director of Economic Development and Real Estate be authorized to apply to the Senior Regional Judge for approval of set fines for offences under the above-noted by-law when it has been enacted.

(c) That the Policy for Filming on City Streets and Property, which will be repealed when the above-noted by-law is enacted, be replaced by the new Filming Policy attached as Appendix B to Report PED09219

Council – August 13, 2009
37. Amendments to the Property Standards By-law 03-117 to Reflect Current Waste Management Principles (PED09165) (City Wide) (Item 6.13)

(a) That the Property Standards By-law No. 03-117 be amended to support and align with the City’s Solid Waste Management Master Plan and the requirements of the City’s Solid Waste Management By-law 09-067, by updating the definitions and requirements for depositing and storing of waste and waste diversion.

(b) That the proposed amending by-law, attached as Appendix “A” to Report PED09165, which has been prepared in a form satisfactory to the City Solicitor be enacted.

38. Telecommunication Tower and Antenna Protocol (PED09206) (City Wide) (Item 7.1)

(a) That the Telecommunication Tower and Antenna Protocol, attached as Appendix “A” to Report PED09206, be adopted.

(b) That the item “Consultation process for wireless telecommunication facilities” be removed from the Economic Development and Planning Committee Outstanding Business List.

(c) That the Clerk forward a copy of the attached Protocol to Industry Canada, and to the Federation of Canadian Municipalities for information.

39. Request to Designate 71 Claremont Drive, Hamilton (Known as “Claremont Lodge” or the “Auchmar Gatehouse”) Under Part IV of the Ontario Heritage Act (PED09212) (Ward 8) (Item 8.1)

(a) That Council direct staff to carry out a Cultural Heritage Assessment of 71 Claremont Drive, Hamilton, to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act.

(b) That if 71 Claremont Drive, Hamilton, is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act.

(c) That the Cultural Heritage Assessment work be assigned a high priority, and be added to staff’s workplan for completion in 2009, as per the attached Appendix “G” to Report PED09212.
(d) That Report PED09212 be forwarded to the Hamilton Municipal Heritage Committee for information.

(e) That Report PED09212 be forwarded to the Owner of 71 Claremont Drive, Hamilton, for information.

40. Citizen Appointments to the Environmentally-Significant Areas Impact Evaluation Group (ESAIEG) (Item 9.2)

(a) That the following citizens be appointed to serve on the Environmentally-Significant Areas Impact Evaluation Group (ESAIEG):

Craig Wardlaw
Danny Stone

(b) That the appointments expire with the 2006-2010 term of Council, or at such time as their successors are appointed.

41. Expropriation of certain lands required for the North Glanbrook Industrial Business Park (NGIBP)(PED08083(d)) (City Wide) (Item 12.1)

(a) That the City Solicitor or his agent be authorized and directed to proceed with the necessary steps to expropriate the lands listed below, which the Director of Industrial Parks and Airport Development is unable to purchase through negotiations:

<table>
<thead>
<tr>
<th>Municipal Address</th>
<th>Owner</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part of 5726 Twenty Road</td>
<td>Richard and Sharon Love</td>
<td>Part 13, Plan 62R-17987</td>
</tr>
<tr>
<td>Part of 5738 Twenty Road</td>
<td>Arthur and Beverly Miles</td>
<td>Part 12, Plan 62R-17987</td>
</tr>
<tr>
<td>Part of 788 Nebo Road</td>
<td>Eric Skoryk</td>
<td>Part 5, Plan 62R-18196</td>
</tr>
</tbody>
</table>

(b) That the City Solicitor or his agent prepare and the City Clerk sign Applications for approval to Expropriate by the City of Hamilton for the lands, described above in recommendation (a), for infrastructure, roadway and municipal purposes.

(c) That the Applications of the City of Hamilton signed by the City Clerk to expropriate the lands, described above in recommendation (a), be authorized and that the said Applications be hereby received and that the City Solicitor or his agent be authorized and directed to cause the necessary Notices in these Applications to be served on the registered owners of the lands affected and for advertisement of the said Notices of Application to be placed in The Hamilton Spectator for three (3) consecutive weeks.
(d) That the City Solicitor or his agent be authorized to forward to the Chief Inquiry Officer any Request for Hearings received and to report to Council such information.

(e) That in the event no Requests for Hearings are received, the City Solicitor or his agent be authorized to introduce Expropriation By-laws to Council.

(f) That the Director of Economic Development and Real Estate or his agent be authorized to obtain appraisals of the lands, described above in recommendation (a), if and when necessary.

(g) That all costs of the expropriations be charged to Account No. 59259-5160507001 (North Glanbrook Industrial-Business Park Servicing).

(h) That Report PED08083(d)), respecting Expropriation of Certain Lands Required for the North Glanbrook Industrial Business Park (NGIBP), remain confidential and not be released as a public document until final disposition of City Council.

FOR THE INFORMATION OF COUNCIL:

Tim McCabe introduced Mr. Glen Norton, the City’s new Senior Business Development Consultant.

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised the following changes to the agenda:

(i) A revised staff recommendation and draft by-law with respect to Item 6.5 (Report PED09232). Copies have been circulated this morning.

(ii) An added delegation request from Kathy Drewitt of the Downtown Hamilton BIA respecting the film by-law which is Item 6.12 on today’s agenda. Copies have been circulated this morning.

(iii) Added Motion 9.3 to amend the name and mandate of the Operational Review Sub-Committee. Copies have been circulated this morning.

(iv) The Closed Session Item 12.1 will be discussed at 12 noon, when Legal staff will be present to assist Committee. Lunch will be served at this time.

(v) Added delegation requests from Jim Smith (Item 6.1.8) and Pam Woodrow (Item 6.1.9) respecting parking on Agnes Street
On a Motion (Bratina/Ferguson) the agenda for the August 10, 2009, meeting of the Economic Development & Planning Committee was approved, as amended

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Duvall declared a conflict of interest with respect to Item 6.1 as the issue involves a close friend of his.

(c) APPROVAL OF MINUTES (Item 3)

On a Motion (Ferguson/Duvall) the Minutes of the July 6, 2009 Economic Development and Planning Committee meeting were approved, as presented.

On a Motion (Ferguson/Duvall) the Minutes of the June 22, 2009 Economic Development and Planning Committee meeting were approved, as presented.

(d) (i) Joe Di Cienzo respecting failure of negotiations of land swap for Dartnall Road and Twenty Road East (Item 4.1)

On a Motion (Ferguson/Mitchell), the delegation request from Joe Di Cienzo was deferred until after the Closed Session section.

(ii) John Petropoulos, M&M Fine Furniture, 151 Upper Centennial Parkway, respecting development of lands on Centennial Parkway and effects of that development (Item 4.2)

On a Motion (Ferguson/Mitchell), the delegation request from John Petropoulos was approved.

(iii) Stephen D’Agostino, Thomson Rogers, respecting Item 7.1 Telecommunication Tower Antenna Protocol (Item 4.3)

On a Motion (Ferguson/Mitchell) the delegation request from Stephen D’Agostino was approved to be heard today.

(iv) Paul McWhinnie, respecting the proposed by-law and policy to regulate location filming. (Item 6.12) (Item 4.4)

On a Motion (Ferguson/Mitchell) the delegation request from Paul McWhinnie was approved to be heard today.
(v) Kathy G. Drewitt, Downtown Hamilton BIA respecting Item 6.12, the film by-law. (Added Item 4.5)

On a Motion (Ferguson/Mitchell) the delegation request from Kathy Drewitt was approved to be heard today.

(vi) Jim Smith and Pam Woodrow respecting Item 6.1, parking on Agnes Street (Added Item 4.6)

On a Motion (Ferguson/Mitchell) Jim Smith and Pam Woodrow were approved as additional delegations to be heard today.

(e) Minutes of the Hamilton Municipal Heritage Committee, June 25, 2009 (Item 5.25(a))

On a Motion (Ferguson/McHattie) the Minutes of the Hamilton Municipal Heritage Committee, June, 25, 2009, were received for information.

(f) Parking on Agnes Street:

(i) Chronology (Item 6.1(a))

Marty Hazel provided an overview of the chronology of events regarding this issue and indicated that to date the parking signs have been removed and an amendment to the by-law is required if there is to be unlimited parking on the street.

On a Motion (Ferguson/Whitehead) the verbal overview from staff was received.

(ii) Jim MacDonald, 16 Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved April 7, 2009) (Item 6.1.1)

Jim MacDonald was unable to attend.

(iii) Harvey Woodrow, 7 Agnes Street (Delegation approved June 2, 2009) (Item 6.1.2)

Harvey Woodrow addressed Committee. His comments included but were not limited to the following:
• Wanted to address the accusations that the signatures are not authentic and people have been coerced into signing and that he was stalling;
• The matter was on a previous agenda but was taken off and since then he was on vacation;
• Parking at Centre Mall is no longer available;
• Patrons of the Olympia and the Legion can no longer park at the Centre Mall;
• Their overflow has impacted parking on Agnes Street;
• Five houses at the end of the street have no driveways
• We did not try to hinder parking on the street;
• We want a reasonable expectation to park in front of our houses – especially after clearing the space in the winter, and not to have patrons of the Olympia or the Legion take the parking space;
• Would like the compromise previously initiated to be approved;
• Proposed time limit parking for 7 spaces at the end of the street.

(iv) Sheena MacDonald, 16 Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved July 6, 2009) (Item 6.1.3)

Sheena MacDonald addressed Committee. Her comments included but were not limited to the following:

• Has lived on the street for 25 years;
• Has not experienced parking problems unless there is an event at the Legion or at the Olympia;
• Would like to return to the unrestricted parking;
• The neighbours do not dispute over parking;
• Currently there’s an uneasy feeling among the neighbours and she would like things to return as it was before.

(v) Lisa Greenaway, 12 Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved July 6, 2009) (Item 6.1.4)

Lisa Greenaway addressed Committee. Her comments included but were not limited to the following:

• The five or six houses always have their parking spots;
• No one is making special rules for anyone else;
• Some people using parking problems as an excuse to have parking in front of their house;
• When she purchased her house she made sure that it had a parking spot;
• Signed the initial poll – has not been able to get a copy;
• Would never had signed if she knew she would have to pay $75.00 for a parking spot, and that there would be one hour parking restrictions;
• Wants the parking to change back to the way it was.

(vi) Inez Cade, 18 Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved July 6, 2009) (Item 6.1.5)

Inez Cade addressed Committee. Her comments included but were not limited to the following:

• Has lived at this location for 18 years;
• Never had parking problems – just sometimes when the Legion had an event;
• The cars began to be ticketed before many residents even knew they required a parking pass;
• The Legion should be responsible for their parking;
• They park on Argyll Street;
• Visitors can only park for one hour;
• Wants it returned to the way it was.

(vii) Diane Marchetti and Jean Marchetti representing Norina Marchetti, Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved July 6, 2009) Item 6.1.6)

Jean Marchetti addressed Committee. Her comments included but were not limited to the following:

• No longer lives on Agnes Street but wants to support her mother;
• Wants the parking situation to return to the way it was.

(viii) Annette Dougan, 14 Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved July 6, 2009) (Item 6.1.7)

Annette Dougan addressed Committee. Her comments included but were not limited to the following:

• There has never been an issue until now with parking;
Has parking but when caregivers come for her daughter who has special needs there’s an issue with parking;
The majority of the people don’t want this;
It should go back to the way it was;
100% of the street should be consulted.

(ix) Jim Smith, 5 Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved July 6, 2009) (Added Item 6.1.8)

We have a problem because we don’t have a driveway;
I’ve had to park on Fraser or beyond because of the shortage of parking;
The signs made the motorists respect the parking restrictions;
Everyone was notified of the cost which is $0.20 a day;
Go back to the one hour parking or allow the permit parking.

(x) Pam Woodrow, 7 Agnes Street, supporting unrestricted parking on Agnes Street (Delegation approved July 6, 2009) (Added Item 6.1.9)

The parking problems have progressively worsened;
Her visitors may have to walk further but at least she doesn’t have to walk for blocks while carrying groceries;
She handed every single person a copy of the petition;
No signatures on the petition were forged
Wants the permit parking

Councillor Merulla addressed Committee and thanked everyone for attending. He advised that he encouraged residents from both sides of the issue to come forward and be heard. Based on the will of the majority of the residents, he supports going back to the non permit parking system.

On a Motion, Committee approved returning to the previous unrestricted parking system on Agnes Street.

(g) Application for a Change in Zoning for the Lands Located at 929 West 5th Street (Hamilton) (PED09202) (Ward 8) (Item 6.2)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton

Council – August 13, 2009
before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

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

Matthew Blevins was present to assist Committee

The applicant’s agent, James Webb addressed Committee and indicated that while his client supported the staff recommendation, they do not support the recommendation for a deferral of this issue. The applicant, Paul Silvestri was not in attendance.

No members of the public came forward to address Committee.

Councillor Whitehead addressed Committee and explained that an issue exists concerning the applicant involving a nearby landlocked parcel of land. In his opinion, the creation of this sliver which landlocked several other parcels of land should be resolved with the neighbours before giving approval to this application.

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

It was noted that the concern is for the value of the sliver of land which has been acquired by the developer and that this has not been resolved. However, staff noted that this is a completely separate matter from the application before Committee.

A Motion (Whitehead/McHattie) to defer this Item until the next Council meeting in order to allow the Ward Councillor to work with the applicant to address the concerns of the land locked sliver of land lost.

Committee approved the staff recommendation (Ferguson/Bratina).

Councillor Whitehead indicated that he wished to be recorded as OPPOSED to this Item.
(h) Application to Amend City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 280 Bay Street South (Hamilton) (PED09210) (Ward 2) (Item 6.3)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion, (Bratina/Ferguson) Committee agreed to dispense with the planner’s presentation.

Timothy Lee was present to assist Committee

The applicant, Doctor Cindy Hamielec, advised that she was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee (Bratina/Ferguson) approved the staff recommendation.

(i) Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Lands Located at the Southeast Corner of Dartmouth Gate and Palacebeach Trail (Stoney Creek) (PED09190) (Ward 11) (Item 6.4)

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

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

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

On a Motion, (Clark/Mitchell) Committee agreed to dispense with the planner's presentation.

Delia McPhail was present to assist Committee.

The applicant’s agent, Stephan Fraser, of A.J. Clarke & Associates Limited advised that he was satisfied with the staff recommendation. The applicant, Dan Gabriele, of Marz Homes Holdings Inc. was not in attendance.

Councillor Mitchell asked if a noise wall is necessary when the commercial area has been converted and if the concerns of the residents will be addressed. Staff advised that the remaining commercial lands will adequately service the neighbourhood, a draft site plan has been submitted and noise concerns will be mitigated.

Committee (Mitchell/Clark) approved the staff recommendation.

(j) Application for Changes in Zoning for Lands Located at 830 - 836, 840 Upper James Street (Hamilton) (PED09232) (Ward 8) (Item 6.5)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body
may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Chair Pearson also noted that as per the changes to the agenda an amended staff recommendation and by-law were circulated to Committee.

Timothy Lee was present to assist Committee and gave an overview of the matter, and the revisions, with the help of a PowerPoint presentation. His highlights included the following:

- The property is located in the south/west corner of Upper James and Mohawk Road West;
- provided photos and a map of the location and outlined the dimension of the property and zoning on the neighbouring properties;
- all zones at the mall permit various commercial uses however, Block 3 has a site specific zoning not permitting restaurants;
- the subject application is to permit a restaurant on the entire site,
- the approval will prohibit a drive-through restaurant;
- he explained the change in the staff recommendation which is to hold the by-law in abeyance until such time as the owner submits a signed Record of Site Condition rather than a holding provision as was previously recommended.

Timothy Lee responded to questions. Councillor Clark asked why staff does not support drive-throughs for restaurants. Staff explained that it is because of the traffic volume generated. Councillor Clark indicated that due to the traffic volume and high collision rates at this location, he does not support any type of drive through.

The applicant’s agent, James Webb of Webb Planning Consulting Inc. advised that he was satisfied with the staff recommendation. He explained that the zoning on this parcel of land is convoluted and the application is to change the zoning only on the one parcel and is to not allow a drive-through for any restaurant, including Tim Horton’s. However, they wish to maintain the option of a drive through for other uses. Any concerns can be addressed through a site plan application.

Councillor Whitehead wanted to disallow drive-throughs at this location for any use. Staff explained that traffic staff advised that the queuing for restaurants is a concern but is not a concern for other facilities. The access and the queuing for any future drive-throughs would be reviewed at the site plan stage.

No members of the public came forward to address Committee.
Committee discussed the proposal and had additional information supplied by staff.

Committee (Whitehead/Duvall) amended the staff recommendation to prohibit drive-throughs on this site for any use.

Committee (Ferguson/McHattie) approved the staff recommendation as amended.

Councillor Pearson indicated that she wished to be recorded as OPPOSED to this Item.

(k) Application for a Change in Zoning for Lands Located at 1525 Stone Church Road East (Hamilton) (PED09224) (Ward 6) (Item 6.6)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Chair Pearson noted that the Ward Councillor, Councillor Jackson, is in support of this recommendation.

Danielle Fama was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. Her highlights included the following:

- the applicant wishes to add a restaurant, a bank, a fitness club, professional and business offices and a building or contracting supply establishment;
- the applicant has submitted a concept plan and details will be under site plan control;
• outlined location and surrounding neighbours of the property;
• provided air photo of the subject lands;
• 100 notices were sent out;
• no responses have been received;
• application has merit because it is consistent with the Provincial Policy Statement and The Growth Plan for the Greater Golden Horseshoe and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

Councillor McHattie asked if the application includes drive-throughs. The planner responded yes but the lot is large enough to accommodate drive-throughs and they will be located entirely within the site, with no queuing at the access points.

Councillor McHattie asked if this is a location recommended for the preservation of employment lands. Staff explained that it is not.

Councillor Clark noted the area has a number of commercial sites. Staff advised that the Official Plan does permit accessory commercial uses in this area.

Councillor Clark asked whether a traffic impact assessment has been completed. Staff responded that traffic staff had expressed no concerns except for the over pass, the new pedestrian and cycling bridge crossing the Linc. Traffic and other issues will be addressed through site plan control. Staff said that on Stone Church there will be road widening issues addressed at the site plan stage. Staff offered to have an off line discussion with Councillor Clark.

Councillor Duvall asked for assurance that outdoor storage would not be permitted for the building supply store use, to avoid the situation which exists at Hamilton Building Supplies.

The applicant’s agent, James Webb of Webb Planning Consulting Inc. advised the following:

• With respect to drive throughs, they object to having this option removed;
• Fundamentally, the City is reviewing the issue of drive throughs and staff will be bringing forward comprehensive recommendations with respect to this matter;
• This is a design recommendation;
• For clarification, it is unfair and unreasonable to down zone a property as a result of this application;
• The owner should be able to retain the option if he has a future tenant wishing to put in a drive-through.

The Committee discussed concerns with drive-throughs, including car stacking, danger to cyclists, and increases in traffic. Mr. McCabe advised that following the previous staff report on drive-throughs, Council had given specific direction which was now being followed by staff. Relevant sections had been added to the new Urban Official Plan and staff is now incorporating the requirements into the new Comprehensive Zoning By-law, on a site by site review.

James Webb said that they will make sure that there are none of the problems expressed at the access points.

Staff was requested to consider the safety of cyclists, since Stone Church is a cycle route.

Mohammed Kamel Gurgi, 97 Pinehill Drive, representing the Muslim Association of Hamilton, 1545 Stone Church addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Wants a traffic impact assessment;
• Fridays are very busy at the mosque, as are certain feast days;
• The Association purchased a piece of land and will be expanding their activities;
• In addition to Carmen’s and the mosque traffic, the new use will lead to the traffic being increased.

Hussein Niamat, 540 East 25th Street, Hamilton member of the Mosque, 1545 Stone Church addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Concerned with the proposed zoning change;
• Friday at the Mosque is very busy, mosque also has a school for 220 pupils;
• Ramadan will commence in two weeks;
• Some members of the mosque will drive, some will walk and some will come by bicycle;
• A licensed restaurant may affect their place of worship – noise, rowdiness, smell, and other adverse impacts.
• Please don’t change the zoning.
Jameel Baig, 224 Rexford Drive, Hamilton, member of the Mosque, 1545 Stone Church addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- They will have a new neighbour which is good;
- Concerned with the neighbours and want to live in harmony with the them;
- Traffic concerns, air pollution concerns for the mosque and school;
- Want a quiet neighbour.

Henry Merling, representing Carmen’s and Peter Mercanti Investment addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- A building or contracting establishment can be a visual mess;
- Issue with out door storage;
- This is a large site and traffic in the area is heavy;
- Carmen’s is spending money on beautification and improvements;
- Requested that the aesthetic concerns be address.
- Supports application as long as there is no outside storage.

Staff read the restrictions on storage, including specific set backs, no front yard storage, only 5% of lot area is allowed for out door storage and must be located in the back area and be enclosed. These restrictions only allow for a limited size home improvement supply operation. Mr Mallard noted that the Hamilton Building Supply is a legal non-conforming use, and thus storage cannot be addressed now.

The Ward Councillor, Councillor Jackson was in attendance and spoke to the issue. He was unaware of the concerns raised by the delegates from the mosque. He is supportive of this application and thanked staff for their work. He considered that the traffic issues could be accommodated and would like to support the application as Hamilton is encouraging new business.

Committee debated the drive-through issue, possible health concerns, the proximity to a Mosque and school and traffic concerns, and had additional information supplied by staff.

On a Motion (Whitehead/Ferguson), Committee directed that the site plan control be undertaken in consultation with the Ward Councillor and that Public Health staff be contacted for their input, if there are any drive-throughs in future. Staff noted the direction.

Committee approved the staff recommendation (Ferguson/Whitehead).
Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

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

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

Joe Muto was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. His highlights included the following:

- Outlined the location;
- Purpose is to redesignate and rezone the subject lands for residential uses;
- The proposal includes 67 town house units and a 111 unit retirement home;
- It also includes an open space block recognizing an existing water course;
- Open space and institutional blocks will be regulated;
- Townhouse units have no garages;
- 176 properties owners were circulated and a public notice sign was erected;
- a public meeting was held by the applicant;
- concerns received were with respect to the access, and staff is proposing to move this from Winterberry to Highland;
an amendment to the recommendation would be required to permit this;
application is supported by staff because it is consistent with the
Provincial Policy Statement and Places to Grow Plan and conforms to
the Hamilton-Wentworth Official Plan.

A discussion followed with respect to changing the access to be located on
Highland Road and waste collection issues. Staff noted that the applicant will
have a private garbage collection for the townhouses.

The applicant’s agent, George Zajac of IBI Group advised that he was satisfied
with the staff recommendation and made the following comments:
• this project has been in lengthy consultation with City staff;
• dealt with the Conservation Authority;
• met with the Ward Councillor on site;
• in support of the proposed revision to relocate the access;

Barbara Tracz, 112 Glenhollow Drive, Stoney Creek, addressed Committee with
regard to the proposal. Ms Tracz provided a photo of parking on Winterberry at
night. Her points included, but were not limited to the following:
• Appreciates the access being moved;
• Parking concerns;
• Photo of Winterberry at night shows where parking is permitted on one
  side of the street, this area already occupied by cars;
• Not enough places to park, most families have 2 cars;
• Where will the new residents park, on Glenhollow Drive?
• Has almost had an accident several times when trying to drive onto
  Winterberry;
• Has lived here for 15 years;
• There was no discussion with the neighbourhood about this decision.

The Chair asked that the Clerk clarify the notification process. The Clerk
explained the requirements under the Planning Act respecting the circulation of
all properties within 120 metres of the site, and confirmed that this had been
done. Tony Sergi outlined the requisite parking provisions.

Steve Yonev, 108 Glenhollow Drive, Stoney Creek, addressed Committee with
regard to the proposal. His points included, but were not limited to the following:
• Parking concerns
• No parking on Winterberry
• Supports moving the access
• Adhere to the by-laws
Eric Saulesleja of GSP Group Inc, the planning consultant for Ontario Realty Corporation and the Province of Ontario asked if the sanitary sewers will be extended and appropriately sized.

Staff confirmed that they are looking at this and the sewers will be extended.

On a Motion (Clark/Whitehead), Committee amended the recommendation by adding a subsection (e) requiring that the access be moved from Winterberry Drive to Highland Road and a subsection (f) to maintain no parking on Winterberry Drive.

Committee approved the staff recommendation, as amended.(Clark/Whitehead). Staff confirmed that revisions would be made to the draft plan of subdivision and to the draft by-law.

Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9) (Item 6.8)

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

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

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

On a Motion (Whitehead/Ferguson), Committee agreed to dispense with the planner’s presentation.

Delia McPhail was present to assist Committee.
The applicant’s agent, Eric Saulesleja of GSP Group Inc. advised that he was satisfied with the staff recommendation.

Ed Fothergill, Fothergill Planning and Development, representing Heritage Greene Limited Partnership addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- representing the owners of the commercial plaza;
- 2 concerns, cost sharing and the inclusion of other commercial uses;
- supports the staff recommendations that no commercial uses be included in the employment lands designation;
- supports no cost sharing.

Councillor Jackson indicated that he is supportive of this application but expressed concerns with the permitted accessory uses listed on Page 2 of Appendix C. Staff agreed with prohibiting the accessory uses except for the stamping, blanking, etc. of metal.

On a Motion (Clark/Duvall) Committee amended Section 2. (3) of Appendix C by deleting the word except and inserting the word even therein and deleting the words Stamping, Blanking and Punch-Pressing of Metal.

Committee (Whitehead/Duvall) approved the staff recommendation as amended.

(n) Application for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Southwest Corner of Stone Church Road East and the Trinity Church Road Extension (Hamilton) (PED09188) (Ward 6) (Item 6.9)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Council – August 13, 2009
On a Motion, (Whitehead/Mitchell) Committee agreed to dispense with the planner's presentation.

Delia McPhail was present to assist Committee.

The applicant’s agent, Eric Saulesleja of GSP Group Inc. advised that he was satisfied with the staff recommendation.

Ed Fothergill, Fothergill Planning and Development, representing Heritage Greene Limited Partnership addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- supports the staff recommendation particularly the non sharing of services and prohibiting commercial uses in employment lands

On a Motion (Clark/McHattie) Committee amended Section 2. (2) of Appendix B by deleting the word *except* and inserting the word *even* therein and by deleting the words *Stamping, Blanking or Punch-Pressing of Metal.*

Committee approved the staff recommendation as amended (Clark/Whitehead).

**Application for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Southwest Corner of Highland Road and the Trinity Church Road Extension (Hamilton) (PED09189) (Ward 6) (Item 6.10)**

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (McHattie/Mitchell), Committee agreed to dispense with the planner's presentation.
Delia McPhail was present to assist Committee.

The applicant’s agent, Eric Saulesleja of GSP Group Inc. addressed Committee and advised the following:

- showed a map of Block No. 3 which currently is to remain as open space
- as part of the application, the applicant has undertaken an environmental review
- supportive of extending the trail connections
- the location of the trail connections need to be determined, requested the applicant be advised when the trail connection will be selected
- requested that the land not needed when the trail has been established should revert to the industrial zoning

Councillor Jackson indicated that he and Councillor Clark will consult with the ORC at the time the trail connection will be considered.

Ed Fothergill, Fothergill Planning and Development, representing Heritage Greene Limited Partnership addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- supports the staff recommendation particularly the non sharing of services and prohibiting commercial uses in employment lands

On a Motion (Clark/McHattie) Committee amended Section 2. (2) of Appendix B by deleting the word except and inserting the word even therein and by deleting the words Stamping, Blanking and Punch-Pressing of Metal.

On a Motion (Whitehead/Clark) Committee approved the staff recommendation as amended.

(p) Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9) (Item 6.11)

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

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

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

On a Motion, Committee agreed to dispense with the planner’s presentation.

Joe Muto was present to assist Committee.

Eric Saulesleja of GSP Group Inc., the consultant for the agent indicated that they support the staff recommendation.

Ed Fothergill, Fothergill Planning and Development, representing Heritage Greene Limited Partnership addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• there are some cost sharing measures and staff have placed a holding provision and his client is satisfied with that provision
• the implementing zoning by-law does not include any restrictions for commercial on the corner parcel of land which is about an acre in size
• requests that commercial development be limited to 1500 square metres to include both parcels

Staff advised that the parcel of land was not large enough to accommodate a commercial development and thus commercial size restrictions had not been included.

On a Motion (Clark/Whitehead) staff were directed to prepare the appropriate revisions to include a cap on commercial for the block at the north east corner of the site.

On a Motion (Clark/Ferguson) Committee approved the staff recommendation as amended.

(q) By-Law and Policy To Regulate Location Filming in the City of Hamilton (PED09219) (City Wide) (Item 6.12)

Jacqueline Norton provided a brief overview of the report. Her comments included but were not limited to the following:
The City has been in the filming business for about 10 years;
- There are approximately 100 productions a year;
- time to put a by-law in place like other communities;
- has spoken with the BIA’s;
- the by-law is meant to be geared towards larger productions but have included student productions;
- have received an e-mail from the videographer’s association expressing concerns;
- not the intent of the by-law to regulate wedding videos, and small non-commercial videos

Jacqueline Norton responded to questions posed by Committee.

Councillor McHattie, proposed the following changes to the policy:

- Section 7, Complaints – delete the words where appropriate
- Include a phrase to encourage that food for the film crews be provided locally

He also suggested that a sound stage to maintain the City’s competitive advantage would be beneficial.

Paul McWhinnie, 44 Colquhoun Crescent, Hamilton, addressed Committee. He read from a prepared statement and copies were distributed. His comments included 10 recommendations which are outlined in his hand out.

Staff confirmed that they have met with Mr. McWhinnie on several occasions and have reflected some of his concerns in the proposed by-law but do not want to be too restrictive with the policy or the by-law. The delegate expressed concerns that there should be a limit to the number of movie shoots permitted an any particular area. Mr. McWhinnie explained that his street had been the subject of ten shoots in the past year, and that there were serious problems for the neighbourhood, when this kind of thing happened in a quiet, residential area.

Councillor Whitehead requested that the policy require identification for the members of the film crew. Ms Norton noted that staff would attempt to require that at the permit stage.

Kathy G. Drewitt, of the Downtown Hamilton BIA, addressed Committee. She read from a prepared statement and a copy was submitted for the public record. Her comments outlined five concerns which are outlined in her written submission.

Committee (Ferguson/McHattie) approved the staff recommendation.
Amendments to the Property Standards By-law 03-117 to Reflect Current Waste Management Principles (PED09165) (City Wide) (Item 6.13)

The Chair noted that this Item had been referred from Council.

Staff responded to questions posed by Committee and explained that the amendments were to bring the property standards by-law in line with the City’s recycling program.

Committee (Clark/Ferguson) approved the staff recommendation.

Telecommunication Tower and Antenna Protocol (PED09206) (City Wide) (Item 7.1)

Heather Travis made a PowerPoint presentation which provided an overview of the report. She responded to questions posed by Committee.

A discussion followed on the restrictive powers of municipalities in dealing with this issue and Committee reviewed the issue of location of communications devices on water towers.

It was noted that Dan McKinnon of the Public Works Department had been in attendance to assist Committee, but had to leave earlier. It was noted that Public Works staff was against the use of water towers, primarily due to security reasons.

Committee also considered the issue of the potential health risks of the placement of these units on water towers.

On a Motion (Ferguson/Whitehead) Committee received the staff presentation.

The Chair invited the delegation to the podium to address Committee.

Stephen D'Agostino, of Thomson Rogers, representing his clients Bell Mobility, Rogers Wireless and TELUS Mobility addressed Committee. His comments included but were not limited to the following:

- hopes to bring some experience to this issue
- thanked staff for their hard work and on a whole is a good protocol
- responded to technology questions and water tower issue
- the City’s radio system puts out much more electric energy than the wireless towers
- the young generation will never have a land line – the land line business is diminishing as the wireless business is expanding
there are two appeal processes – the first with respect to the protocol – the carrier can appeal the protocol if unreasonable
- a municipality can say no, the client can't build without concurrence – Industry Canada will review – sometimes the carriers win sometimes the municipalities win
- he would be happy to meet with Public Works staff to discuss the water tower issues

Stephen D'Agostino responded to questions posed by Committee.

The Chair invited anyone from the public who also wished to address Committee on this issue to come forward. No one came forward.

On a Motion (Ferguson/Clark) Committee received the delegation.

Committee approved the staff recommendation.

On a Motion (Ferguson/Bratina) appropriate staff, as outlined below, were directed to report back to the Economic Development and Planning Committee on the following issues:

(i) Change separation for new towers from 120 metres to 400 metres from residential areas and schools (Planning staff);
(ii) All new towers should be monopoles and not lattice towers with multiple antennae; (Planning staff);
(iii) The revenue that could be generated and how water security can be protected if wireless telecommunication devices are installed on City owned water towers (Public Works staff);
(iv) The health effects on water towers by wireless telecommunication devices (Medical Officer of Health).

(t) Request to Designate 71 Claremont Drive, Hamilton (Known as “Claremont Lodge” or the “Auchmar Gatehouse”) Under Part IV of the Ontario Heritage Act (PED09212) (Ward 8) (Item 8.1)

Meghan House was in attendance to assist Committee.

On a Motion (McHattie/Clark), Committee approved the staff recommendation.

(u) Motions (Item 9)

(i) Green Roofs (Item 9.1)

Councillor McHattie presented a revised version of his Motion. Copies were distributed. Committee approved his Motion as amended as follows:
Whereas, in May 2009 the City of Toronto passed a new green roof by-law consisting of a green roof construction standard and a mandatory requirement for green roofs on all classes of new buildings, and;

Whereas, it is anticipated that 50-75 new green roofs will be constructed in Toronto annually, and;

Whereas, the City of Waterloo has undertaken a study that finds that green and white roofs are best installed in the downtown in order to alleviate the “heat island” effect, and;

Whereas, Hamilton has energy conservation strategy and a greenhouse gas reduction strategy, which would benefit from additional green/white roofs.

Therefore, request that staff investigate the Toronto green roof bylaw and City of Waterloo examples and report back on the efficacy of a similar bylaw and incentive program for Hamilton.

(ii) Citizen Appointments to the Environmentally-Significant Areas Impact Evaluation Group (ESAIEG) (Item 9.2)

Committee approved the Motion.

(iii) Amendments to the Name and Mandate of the Operational Review Sub-Committee (Added Motion 9.3)

Councillor Whitehead, seconded by Councilor McHattie, moved the following Motion;

That the Building and Licensing Division Operational Review Sub-committee Report 08-003 be amended by adding Item 4 to read as follows:

4. Amendments to Name and Mandate of Operational Review Sub-committee (Item 4.4)

(a) That the name of the Building and Licensing Division Operational Review Sub-committee be changed to the City of Hamilton Operational Review Sub-committee.

(b) That the Mandate of the existing Building and Licensing Division Operational Review Sub-committee be amended to reflect the new City of Hamilton Operational Review Sub-committee, as attached hereto.
Committee discussed the issues, including whether the Sub-Committee was still needed, and the appropriateness of the proposed changes. Staff noted that there was still some outstanding business respecting Building and Licensing to be dealt with. The mover and seconder of the Motion withdrew it, with the concurrence of the Committee.

(v) Notices of Motion (Item 10)

Councillor McHattie presented the following Notice of Motion:

(i) Potential municipal parking lot, Locke Street South Commercial area (Item 10.1)

That staff be directed to explore the feasibility of creating one or more municipal carparks in the Locke Street South commercial area, and to assess, through a Request for Information (RFI), the level of interest of adjacent property owners to lease/sell/partner with the City in this endeavour.

(w) GENERAL INFORMATION (Item 11)

(i) Outstanding Business List

On a Motion (Ferguson/Clark) the following Outstanding Business List Items were removed from the list:

(a) Provincial wetland evaluation for Community Beach Ponds (Outstanding Business list Item C) Completed – remove from list (Item 11.1)

(b) Correspondence from Town of Newmarket respecting mis-use of disabled parking permits and parking spaces. (Outstanding Business list Item D) Completed – remove from list (Item 11.2)

(c) 108 Creighton Road, Dundas. (Outstanding Business list Item W) Application Withdrawn – remove from list (Item 11.3)

(ii) Other Business-News from the General Manager (Item 11.4)

-there will be an In camera session at Committee on September 5, 2009, to consider the strategy for the upcoming Rural Official Plan OMB hearings.

-the Special afternoon session of Committee planned for October is no longer needed for the Industrial Commercial zoning
(iv) Other Business-Comments for Committee (Item 11.4)

-Councillor Clark requested an update on timing of the Tradeport report, and an update on how much land will be needed for the Airport Industrial area. Mr. McCabe advised that the land area would be worked out through the Secondary plan stage.

(x) Private and Confidential (Item 12)

(i) Expropriation of certain lands required for the North Glenbrook Industrial Business Park (NGIBP)(PED08083(d)) (City Wide) (Distributed under separate cover.) (Item 12.1)

On a Motion (Mitchell/McHattie) Committee moved into Closed Session to discuss a subject matter which is subject to Section 8.1, subsection (c) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to a proposed or pending acquisition of land for municipal or local board purposes.

On a Motion (Ferguson/Clark) Committee reconvened in Open Session.

On a Motion (Clark/Ferguson) Committee approved the staff recommendations as outlined in Item 41 of this Report.

(ii) Joe Di Cienzo respecting failure of negotiations of land swap for Dartnall Road and Twenty Road East (Item 4.1)

(Clark/Ferguson)

That the request from Joe DiCienzo to address Committee respecting failure of negotiations of land swap for Dartnall Road and Twenty Road East be denied.

This Item CARRIED on a standing recorded vote as follows:

Yeas: Mitchell, McHattie, Ferguson, Clark, and Pearson
Total: 5
Nays: Duvall and Whitehead
Total: 2
Absent: Bratina and Pasuta
Total: 2
Councillor Whitehead indicated that he is in opposition to this item until he has received legal advice.

(y) Adjournment (Item 13)

The meeting adjourned at 4.27pm.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
August 10, 2009