THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS REPORT 06-013 AND RESPECTFULLY RECOMMENDS:

1. Store Hours Policies and Procedures (PED06111(a)) (City Wide) (Item 5.1)
   (a) That Report PED06111(a) respecting Store Hours Policies and Procedures be received for information.

   (b) That the draft by-law, attached as Appendix A to Report PED06111(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

   (c) That the Store Hours item be removed from the Outstanding Business List.
2. **Demolition Permit – 153 Park Street West (Dundas) (PED06210) (Ward 13) (Item 5.2)**

   That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 153 Park Street West in accordance with By-Law 3499-84 pursuant to Section 33 of The Planning Act as amended.

3. **Demolition Permit – 272 Normanhurst Avenue (PED06212) (Ward 4) (Item 5.3)**

   That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 272 Normanhurst Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

4. **Designation of a Business Improvement Area (B.I.A.) Locke Street between Chatham Street and Homewood Avenue (PED06209) (Ward 1) (Item 5.4)**

   (a) That a B.I.A. on Locke Street between Chatham Street and Homewood Avenue, as identified in Appendix ‘A’ to Report PED06209, be designated.

   (b) That the City Clerk’s Division be authorized and directed to circulate the proposed area with the notice of intent to approve the designating by-law in accordance with Sections 204, 210, 212 and 213 of the Municipal Act.

   (c) That the City Solicitor be authorized and directed to prepare the necessary by-law.

5. **Ottawa Street Business Improvement Area (B.I.A.) Revised Board of Management (PED06219) (Wards 3 & 4) (Item 5.5)**

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

   Bob Grover, Dora’s Delicatessen & Catering, 218 Ottawa Street North

6. **Declaration of Surplus Property and Sale of Parts 2 and 3 on Plan 62R-7470 Being Part of 1061 Garner Road East, in the Former Town of Ancaster (PED06211) (Ward 12) (Item 5.6)**

   (a) That the City land identified as part of 1061 Garner Road East, being Parts 2 and 3 on Plan 62R-7407 having an area of 720.8 square metres (0.178 acres) (as shown on Appendix “A” to Report PED06211) in the former Town of Ancaster, now in the City of Hamilton, 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.
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(3)

(b) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands, at fair market value, to the abutting land owners to the east, in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales)

7. Declaration of Surplus Property and Sale of Easement of City Lands on 6th Concession Road (Beverly Landfill) Described as Part 1 on Registered Plan 62R-17111 (PED06215) (Ward 14) (Item 5.7)

(a) That the lands identified as part of the Beverly Landfill site at 6th Concession Road in the former Township of Beverly, and described as Part 1 on Plan 62R-17111 (as shown on Appendix B to Report PED06215), having an area of 56.00 square metres (602.79 square feet), be declared surplus to the requirements of the City of Hamilton; and that an easement be sold over these lands in accordance with the “Procedural By-law for the “Sale of Land”, being By-law 04-299.

(b) That the Easement Agreement to be executed by and granted in favour of Bell Canada for the easement over Part 1 on Plan 62R-17111 for the purpose of installing, repairing and maintaining underground Bell cables (as shown on Appendix A to Report PED06215) be approved and completed for the nominal consideration of One Dollar ($1.00), subject to payment of disbursement costs by Bell Canada in the amount of $1,500 and, that these fees be credited to Account no. 47702-3560150200 (Reserve for Land Sales).

(c) That an Authority to Enter Agreement to be executed by Bell Canada, to enter upon the Beverly Landfill site for the purpose of removing the existing bell cables, be approved.

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

8. Lands Bequeathed to the City, Described as Part of Lot 6 on Plan 111, Known as 20 Dundurn Street South, Hamilton (PED06216) (Ward 1) (Item 5.8)

(a) That the City Solicitor be authorized to take all steps necessary, and execute all documents necessary, to accept title to the lands described as part of Lot 6 on Plan 111, being 20 Dundurn Street South (as shown on Appendix “A” to Report PED06216).

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(b) That upon transfer of the subject lands to the City of Hamilton identified as 20 Dundurn Street South, Hamilton, described as Part of Lot 6 on Plan 111 the lands 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, save and except those lands required for road widening purposes.

(c) That the Real Estate Section of the Development and Real Estate Division be authorized and directed to sell the subject lands on the open market, in accordance with the “Procedural By-Law for the Sale of Land”, being By-law No. 04-299 with the net proceeds from the sale to be deposited in Reserve Account No. 100005, “Revolving Fund for Heritage Properties”.

9. Tree Removal and Replacement, Site Plan Application DA-05-188 at 352-362 Park Street West, Dundas (Ward 13) (PED06217) (Item 5.9)
That the removal and replacement of eleven Municipal street trees along the south side of Park Street West and the east side of Bond Street North be approved and that all costs associated with the removal and replacement of the trees by City staff, determined to be $14,410.00, plus applicable taxes, be at the sole expense of the owner of the lands, known as 352-362 Park Street West, Dundas, shown in Appendix “A” to Report PED06217.

10. Land Transfer Tax Refund – Request for the Provincial Government to Amend the Land Transfer Tax Act (PED06218) (City Wide) (Item 5.10)
That, in support of the Provincial Government’s Places to Grow policies, the Province through the Minister of Finance, be requested to amend the Land Transfer Tax Act in order that first-time purchasers of new residential units created within former commercial/industrial buildings within the urban areas of the City of Hamilton, be declared new units so as to be eligible for the Land Transfer Tax Refund.

11. Declaration of Surplus Property - 6 Tristan Court, Flamborough, Described as Block 9 on Plan 62M-604 in the Former Geographic Township of East Flamborough, now in the City of Hamilton (PED06200) (Ward 15) (Item 5.11)
(a) That the lands identified as being part of Lot 9, Concession 3, in the former Geographic Township of East Flamborough, now in the City of Hamilton, designated as Block 9 on Subdivision Plan 62M-604 and known municipally as 6 Tristan Court (as shown on Appendix “A” to Report PED06200), having an area of approximately 600 square metres, be declared surplus to the requirements of the City.
(b) That the Development and Real Estate Division be directed to seek a minor variance at the Committee of Adjustment to allow relief from the lot area provisions of the Zoning By-law and a reduction in the rear yard requirements to enable construction of a single detached dwelling on the subject lands comparative with the character of the existing homes in the immediate area, and charge any costs to account number 59259-3560150200.

(c) That following final variance approval set out in Recommendation (b) above, the Development Engineering Section of the Development and Real Estate Division be directed to retain a contractor to disconnect and properly abandon both the existing 250mm sanitary sewer stub and the 150mm watermain leading to the subject property at the respective mains, and charge this work to Account number 59259-3560150200.

(d) That following final variance approval, the Real Estate Section be directed to sell Block 9 on Subdivision Plan 62M-604 for market value on the open real estate market with a covenant that the purchaser must begin construction of a single detached dwelling within one year of the closing of the transaction.

12. Committee of Adjustment (Urban) Severance Application SC/B-06:20, for property known as 221 King Street East, Stoney Creek - Supported by the Planning and Economic Development Department (PED06203) (Ward 10) (Item 5.12)

That Report PED06203 respecting Committee of Adjustment (Urban) Severance Application SC/B-06:20, 221 King Street East, Stoney Creek, as shown on Appendix ‘A’ to Report PED06203, denied by the Committee but supported by the Planning and Economic Development Department, be received for information.


(a) Tradeport International Corporation Lease Compliance Audit and Performance Review (PED06214) (City Wide).

(i) That staff Report PED06214 respecting TradePort International Corporation Lease Compliance Audit and Performance Review be received for information and be made available to the public, as per the consent granted by TradePort executives.

(ii) That the Compliance Audit and Performance Review of Lease Agreement for Operation of Hamilton International Airport completed by Grant Thornton on June 7, 2006 remain private and confidential.

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(iii) That the hand out provided by Grant Thornton at the June 19, 2006 Airport Implementation Task Force Meeting respecting City of Hamilton Compliance Audit and Performance Review of Lease Agreement for Operation of Hamilton International Airport be made available to the public, as per the consent granted by TradePort executives.

14. Demolition Permit – 1364 Main Street East (PED06) (Ward 4) (Added Item 5.14)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 1364 Main Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.


That approval be given to Condominium Conversion Application 25CDM-CONV-06-03, Belvista Properties Inc. (Ray Ross), owner, to establish a Draft Plan of Condominium for twenty-two existing apartment units, located at 416 East 42nd Street (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED06201, subject to the following conditions:

(a) That this approval applies to the plan, prepared by A.T. McLaren Limited, and certified by S.D. McLaren, O.L.S., dated June 9, 2006, showing a total of twenty-two residential apartment units, attached as Appendix “B” to Report PED06201.

(b) That the following standard conditions from Appendix “B” of Report PD01184 – Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process shall apply:

(i) Development Planning and Engineering Conditions No. 12, 16, and, 1.

1. That the Owner shall submit a report in accordance with Section 9(4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the buildings and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
2. Bell Canada (Condominium Conversions) Condition No. 3.

3. That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department, Tax Administration/Banking Section.

16. Application for a Change in Zoning for Lands located at 27 & 37 Stone Church Road East (Hamilton) (PED06206) (Ward 7) (Item 6.2)

That approval be given to Amended Zoning Application ZAC-06-32, Hampshire Properties Inc. and J.M. Thornton, owners, for a change in zoning from the “AA” (Agricultural) District to the “R4/S-1558” (Small Lot Single Family Detached) District, Modified (Block “1”) to permit two new single detached dwellings on separate lots, from the “AA” (Agricultural) District to the “R4/S-1556” (Small Lot Single Family Detached) District, Modified (Block “2”) to permit one new single detached dwelling on a separate lot, from the “AA” (Agricultural) District to the “R4/S-1557” (Small Lot Single Family Detached) District, Modified (Block “3”) to permit one new single detached dwelling on a separate lot, and from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Detached) District to permit one single detached dwelling on a separate lot, for lands located at 27 and 37 Stone Church Road East (Hamilton), as shown on Appendix “A” to Report PED06206, on the following basis:

(a) That Block “1” be rezoned from the “AA” (Agricultural) District to the “R4/S-1558” (Small Lot Single Family Detached) District, Modified.

(b) That Block “2” be rezoned from the “AA” (Agricultural) District to the “R4/S-1556” (Small Lot Single Family Detached) District, Modified.

(c) That Block “3” be rezoned from the “AA” (Agricultural) District to the “R4/S-1557” (Small Lot Single Family Detached) District, Modified.

(d) That Block “4” be rezoned from the “AA” (Agricultural) District to the “R4” (Small Lot Single Family Detached) District.

(e) That the Draft By-law, attached as Appendix “B” to Report PED06206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(f) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
17. **City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 281 Herkimer Street (Hamilton) (PED06189) (Ward 1) (Item 6.4)**

   (a) That approval be given to **City Initiative CI-05-M, City of Hamilton, owner**, for an Official Plan Amendment to change the designation in the City of Hamilton Official Plan from “Residential” to “Commercial” to permit commercial and residential uses, for lands located at 281 Herkimer Street, as shown on Appendix “A” to Report PED06189.

   (b) That approval be given to **City Initiative CI-05-M, City of Hamilton, owner**, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified, to permit a limited range of commercial uses and one dwelling unit within the existing building, for lands located at 281 Herkimer Street, as shown on Appendix “A” to Report PED06189, on the following basis:

   (i) That the subject lands be rezoned from the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

   (ii) That the draft By-law, attached as Appendix “B” to Report PED06189, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

   (iii) That upon finalization of the implementing By-law, the Kirkendall North Neighbourhood Plan be amended by redesignating the subject lands from “Single and Double” Residential to “Commercial”.

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

18. **Change in Zoning for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton) (PED06204) (Ward 7) (Item 6.6)**

   That approval be given to **Zoning Application ZAC-06-15, Hillcrest Dairy Limited and Mohammed Smadi, In Trust, owners**, to change the zoning from the “H” (Community Shopping and Commercial, etc.) District, to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified for Block 1, to change the zoning from the “G-3/S-11” (Public Parking Lots) District, Modified to the “H” – ‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified, for Block 2 and to change the zoning from the “G-3” (Public Parking Lots) District to the “H” – ‘H’ (Community Shopping and Commercial, etc.
- Holding) District, Modified, for Block 3, to permit the development of a pharmacy, medical clinic and associated parking, for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton), shown as Blocks 1, 2 and 3 on Appendix “A” to Report PED06204 on the following basis:

(i) That Block “1” be rezoned from the “H” (Community Shopping and Commercial, etc.) District to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified.

(ii) That Block “2” be rezoned from the “G-3/S-11” (Public Parking Lots) District, Modified to the “H” – ‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified.

(iii) That Block “3” be rezoned from the “G-3” (Public Parking Lots) District to the “H” – ‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified.

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

(v) That the City’s Manager of Development Planning be directed to prepare the Draft By-law in a form satisfactory to the City Solicitor, to be enacted by City Council.

(vi) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Hamilton Official Plan once amended.

19. Applications for a Draft Plan of Subdivision Known as “Limestone Manor” and for a Change in Zoning for Lands Located at 377 Shaver Road, Ancaster (PED06202) (Ward 12) (Item 6.7)

(a) That approval be given to Subdivision Application 25T200413, Brian Johnston, Owner, to establish a draft plan of subdivision for forty-nine single-detached lots, one block for storm water management and a new public street on lands known municipally as 377 Shaver Road (Ancaster), as shown on Appendix “D” to Report PED06202, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06202 and the following:

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

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

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

(b) That approval be given to Zoning Application ZAC-04-86, Brian Johnston, Owner, for changes in zoning from the Agricultural “A” Zone to the Residential “R4” Zone (Block 1) to permit forty-eight single detached dwellings on individual lots, to the Residential “R4-550” Zone (Block 2) to permit an existing single detached dwelling on a separate lot, and to the Public “P” Zone (Block 3) to permit a storm water management pond, for the lands known as 377 Shaver Road (Ancaster), as shown on Appendix “A” to Report PED06202, subject to the following:

(i) That the lands shown as Block 1 be rezoned from the Agricultural “A” Zone to the Residential “R4” Zone.

(ii) That the lands shown as Block 2 be rezoned from the Agricultural “A” Zone to the Residential “R4-550” Zone.

(iii) That the lands shown as Block 3 be rezoned from the Agricultural “A” Zone to the Public “P” Zone.

(iv) That the draft By-law, attached as Appendix “B” to Report PED06202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

20. Application to Amend an Existing Provisional Certificate of Approval (Waste Transfer/Processing Site) Ministry of Environment Reference #5205-6HWSS5P, Regional Disposal Services Inc., Located at 375 Gage Avenue North (Hamilton) (PED06213) (Ward 3) (Item 8.1)

That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that should the Ministry approve the application CA-06-02, Regional Disposal Services Inc., applicant, for an Amendment to an existing Provisional Certificate of Approval for an existing waste transfer/processing site including the following: i) an increase in allowable waste storage limits from 100 tonnes to 300 tonnes per day; ii) an increase in the maximum quantity of waste storage on the site from the current 150 tonnes to
350 tonnes, and; iii) to allow for the transfer of source separated wood waste material outside the existing waste transfer building for the existing facility at 375 Gage Avenue North, as shown on Appendix “A” to Report PED06213, the City of Hamilton requests the following to be undertaken:

(a) That the proponent obtains the necessary building permit from the City’s Building and Licensing Division, which is required for proposed modifications to the existing building.

(b) That the amended Provisional Certificate of Approval require the following:

(i) That the metal storage bin and the two above ground double walled fuel tanks be relocated on the site away from the main on-site traffic route and be located a sufficient distance from any catch basins to the satisfaction of the Superintendent, Compliance and Regulation, Water and Wastewater, Public Works Department.

(ii) That Contingency plans for spills on site and clean up procedures are covered under the company’s Certificate of Approval, and that the City’s Spills number (905) 540-5188 be included in the Certificate of Approval, and be included in the company’s on site Contingency Plan.

(iii) That the proposed “roll-off” containers located on the paved lot area for outside storage of wood materials be limited to a maximum size of 100 sq.m. in area, a maximum of 3 metres in height and be located a minimum distance of 3m from property lines and any other containers. Also, that a fire department access route be established from the access gate to the westerly property boundary and that the yard area be equipped with a sufficient number of portable fire extinguishers having a rating of 2A or higher with a maximum distance separation of 25m, to the satisfaction of the Hamilton Emergency Services, Chief Fire Prevention Officer.

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

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

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

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(f) That a copy of Report PED06213 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

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

21. Renaming of “Given Road” in the City of Hamilton (Ancaster) (PED06171) (Ward 12) (Referred back to Committee by Council, June 28, 2006) (Item 8.2)

That approval be given to the following:

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

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

22. Good Shepherd, 143 Wentworth Street South – Relief From Cash-in-Lieu of Parkland Dedication and Building Permit Fees (PED06156/FCS06050) (Ward 3) (Originally tabled at Committee June 6, 2006) (Item 8.3)

(a) That Report PED06156/FCS06050 respecting Good Shepherd 143 Wentworth Street South - Relief from Cash-in-Lieu of Parkland Dedication and Building Permit Fees be received.

(b) That the request from Good Shepherd for Relief from Cash-in-Lieu of Parkland Dedication respecting 143 Wentworth Street South be granted.

23. Expiry of Licensing By-law (PED06208) (Item 8.4)

That the draft by-law, attached as Appendix “A” to Report PED06208, respecting the licensing, regulating and governing of businesses, be approved.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

The Clerk advised of the following changes to the Agenda which were approved:
(i) Added Report, for a demolition of property at 1364 Main Street East. This has been added to the Agenda as Consent item 5.14.

(ii) Item 6.8 respecting Landmart Homes, Meadowlands will be heard at 1:00 p.m.

(ii) Delegation request 4.2 and added delegation requests 4.3, and 4.4. respecting Landmart Homes are asking to address Committee today.

(b) Declarations of Interest

None declared.

(c) Approval of Minutes

The following Minutes of the Planning & Economic Development Committee were approved as presented.

(i) The Minutes of the Planning & Economic Development Committee meeting held on June 20, 2006.

(ii) The Minutes of the Planning & Economic Development Committee meeting held on June 22, 2006.

(iii) The Minutes of the Planning & Economic Development Committee meeting held on June 26, 2006.

(d) Delegation Requests

The following delegation request was approved:

(i) James Webb respecting parkland dedication in ERASE areas (Item 4.1)

The following delegation requests were approved to be heard today:

(i) Tracy Lalonde respecting delay in Landmart Homes, Meadowlands (Item 6.9)

(ii) Robert Whitmore respecting Landmart Homes, Meadowlands (Added Item 6.10)

(iii) Roy Kern respecting Landmart Homes, Meadowlands (Added Item 6.11)
(e) Application for Approval of a Draft Plan of Condominium Conversion, “Belvista Properties”, for Lands Located at 416 East 42nd Street (Hamilton) (PED06201) (Ward 6) (Item 6.1)

A Public Meeting was held.

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

Joe Muto outlined the report to Committee.

Chair Pearson asked the applicant’s agent, Mr. James Webb whether he was in support of the staff report. He indicated that he was in favour of the staff report.

Chair Pearson invited any member of the public wishing to speak to this issue to come forward. No one came forward.

Committee approved the staff recommendation.

(f) Application for a Change in Zoning for Lands located at 27 & 37 Stone Church Road East (Hamilton) (PED06206) (Ward 7) (Item 6.2)

A Public Meeting was held.

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

Robert Walters outlined the report to Committee.

The applicant’s agent, Angelo Cameracci, was in favour of the staff recommendation.

Chair Pearson invited any member of the public wishing to speak to this issue to come forward. No one came forward.

Committee approved the staff recommendation.

(g) Application for a Change in Zoning for the Property Located at 2474 Highway No. 56 (Glanbrook) (PED06205) (Ward 11) (Item 6.3)

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

Kristen West outlined the report to Committee.

Dave Zimmerman addressed Committee, in support of the staff recommendation and indicated that he will not store wrecked cars on the property.

Adi Irani, AJ Clarke and Associates, addressed Committee on behalf of his client, Rob-Geof properties. He indicated that he does not support this application as it does not follow good planning principles and will lead to land being wasted. He suggested tabling the matter to allow further discussions.

The applicant addressed Committee again and explained that while he was willing to discuss matters with the adjacent owner, he was not conjoining the properties. Mr. Zimmerman confirmed that he had owned his business in Glanbrook for twelve years, and wished to continue in Binbrook.

Committee discussed the matter. Councillor Mitchell noted that the planning situation in Binbrook had changed over the years, with the secondary plan, and that further discussions were needed.

On a Motion, Committee referred the report back to staff, allow the applicant to meet with the Ward Councillor, and other affected parties, and address the concerns.

City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 281 Herkimer Street (Hamilton) (PED06189) (Ward1) (Item 6.4)

A Public Meeting was held.

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

David Samis outlined the report to Committee and advised that the re-use of the building had been discussed at a Community meeting organized by Councillor McHattie in February.

Chair Pearson advised that as this is a City initiative, there is no outside agent to address Committee. She invited any member of the public who is present and who wished to address Committee to come forward.

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Diane McClure, a resident came forward and expressed concerns with the rezoning. She would like the City to sell the property as it is vacant and subject to vandalism but she would like it to be sold as a residential property. She noted that the CIBC had donated the property to be used as a library and that it is surrounded by residential properties. She would like it to be used for residential.

Staff explained that if the zoning change goes through then the type of commercial uses would be limited by the site specific by-law.

Andrew Wallace, 277 Herkimer Street, addressed Committee. He noted that parking and traffic in the area is an issue, particularly with a school across the street. Mr. Wallace said that a business would add to the traffic and parking problems, but if the City keeps it residential then these concerns would be eliminated. He added that he attended Councillor McHattie’s meeting and suggested that the property be sold as is.

David Cohen, Stanley Avenue said he regretted that the building could not accommodate a library and that the building has been vacant for such a long time. He would like to see that building being used for community purposes.

Councillor Merulla indicated that if another feasible community option existed, he was sure that Councillor McHattie would have identified and supported it.

Committee approved the staff recommendation.

(i) Application for a Change in Zoning for the Property Located at 780 Upper Paradise Road (Hamilton) (PED06198) (Ward 8) (Item 6.5)

A Public Meeting was held.

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

Simon Deiaco outlined the report to Committee and explained the minor change to the by-law, with regard to the site specific zoning.

Councillor Whitehead suggested deferring the application until the appropriate studies are completed since it proposed intensification in an area which was adversely affected by flooding and storm sewer problems last year.

The applicant’s agent, Scott Llewellyn was not in attendance.

Chair Pearson invited any member of the public who wished to speak to this matter to come forward.
Robin St. Jean, who works with Scott Llewellyn and the developer, addressed Committee. He noted that residential development is needed in the area and that while the proposal will produce more units than the existing zoning allows, the footprint is the same.

On a Motion by Councillor Whitehead, seconded by Councillor Merulla, Committee deferred the staff report to obtain confirmation from the SERG Committee and from staff that the storm sewer system and catch basins could support this development.

Councillor Whitehead added that if satisfactory information could be provided to him before Council, that the application could then go forward for approval at that meeting.

(j) Change in Zoning for lands located at 500, 502 and 510 Concession Street and 340 Upper Wentworth Street (Hamilton) (PED06204) (Ward 7) (Item 6.6)

A Public Meeting was held.

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

Edward John outlined the report to Committee. He advised that an amended recommendation was circulated this morning which is to approve the application, as the problems previously identified by staff regarding the loss of affordable rented housing had been addressed by the owner. Mr. John noted that as a result of the owner’s actions, the City policy requirements had been met, and the Official Plan application is no longer required.

The applicant’s agent, Caroline Floroff indicated that she supports the staff recommendation.

Chair Pearson invited any member of the public wishing to address Committee to come forward. No one came forward.

Councillor Kelly noted that the concerns raised by the neighbourhood, including traffic issues, pedestrian safety and landscaping would be addressed at the site plan stage.

Committee approved the amended recommendation.
(k) Applications for a Draft Plan of Subdivision Known as “Limestone Manor” and for a Change in Zoning for Lands Located at 377 Shaver Road, Ancaster (PED06202) (Ward 12) (Item 6.7)

A Public Meeting was held.

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

Simon Deiaco outlined the report to Committee.

Caroline Floroff, the applicant’s agent advised that she is in support of the staff report.

Anna Nisbett, 526 Westview Avenue, addressed Committee and advised that the development will make the corner very busy. She indicated that they would like to know when the roundabout would be installed and when the building will commence. Ms. Nisbett would like to see the trees preserved.

Jack Freeborn, 546 Westview, addressed Committee and indicated that he has the same concerns as the previous speaker.

Caroline Floroff, the applicant’s agent, addressed Committee and responded that while no date has been set, development is expected to start in 2007.

Elsie Siminoski asked what will happen to the historical home on the site, the matter of traffic signalization and the walkways. Simon Deiaco advised that the applicant wants to restore the home and that signalization and timing will be addressed. Staff will investigate and advise Mrs. Siminoski about the radial line issue and the walkways.

Jim Sykes, 624 Westview, asked about the retention of trees on the site and expressed concerns about the mature trees which have been identified for removal. He requested that as many trees as possible be preserved.

Ms. Nisbett asked for clarification about the reduced rear yard set back in the by-law and noted the hazards of roundabouts as people do not signal and do not yield the right of way. She also asked about the possibility of a sidewalk from the ramp.

Staff explained that the historical house will be allowed to maintain its existing rear yard setback, that they would investigate additional signage for the new roundabout and that sidewalks will be installed on Wilson Street.

The Committee approved the staff recommendation.
(l) Landmart Homes, Ancaster Meadowlands Phases 8 and 9 (Delegation approved by Committee on June 20, 2006) (Item 6.8)

Chair Pearson advised that this item would be heard at 1.00pm.

(m) Application to Amend an Existing Provisional Certificate of Approval (Waste Transfer/Processing Site) Ministry of Environment Reference #5205-6HWSS5P, Regional Disposal Services Inc., Located at 375 Gage Avenue North (Hamilton) (PED06213) (Ward 3) (Item 8.1)

Stan Holiday outlined the report for Committee.

No representative from Regional Disposal Services was in attendance to address Committee.

Committee approved the staff report.

(n) Renaming of “Given Road” in the City of Hamilton (Ancaster) (PED06171) (Ward 12) (Referred back to Committee by Council, June 28, 2006) (Item 8.2)

Chair Pearson noted that Council had referred the matter back to Committee. She confirmed that Councillor Ferguson had been consulted again on the matter and was in favour of the re-naming and that the Public Meeting had been held.

Staff were requested to confirm whether “Given” has historical significance. Paul Toffoletti confirmed that there is no connection to a particular family heritage.

Councillor Mitchell expressed concerns the representatives of the family were not present to explain their concerns. The Clerk noted she had tried to contact Mrs. Cranston but had been unsuccessful.

Committee approved the staff recommendation on the following votes:

Yeas: Bratina, Kelly, Merulla, Pearson
Total: 4
Nays: Mitchell
Total: 1
Planning & Economic Development  
Committee  

(o) Good Shepherd, 143 Wentworth Street South – Relief From Cash-in-Lieu of Parkland Dedication and Building Permit Fees (PED06156/FCS06050) (Ward 3) (Originally tabled at Committee June 6, 2006) (Item 8.3)

Allan Whittle addressed Committee. He gave his reasons for disagreeing with staff’s position as follows:

- this project is continuation of institutional use – it used to be a children’s aid society building
- this is not a residential use because the tenants will not rent or own property
- if this building was located downtown, it would be eligible for relief, but the facility is located outside of downtown to follow City’s policy.
- the purpose of the facility is to assist the homeless such as families who have lost jobs or who are new Canadians
- the facility could also be used for community meetings.

Councillor Morelli spoke in favour of the request by Good Shepherd.

Councillor Merulla noted that Council had set a precedent when it reduced the parkland dedication for the student housing on Main Street West.

Committee discussed the issue and recognized that this proposal is similar to a social services agency.

The Committee agreed to waive the parkland dedication fee but not the building fees.

(p) Expiry of Licensing By-law (PED06208) (Item 8.4)

Committee approved the staff recommendation.

On a Motion by Councillor Mitchell, seconded by Councillor Merulla, Committee recessed at 11:20 a.m.

On a Motion by Councillor Mitchell, seconded by Councillor Bratina, Committee reconvened at 1:07 p.m.

(q) Landmart Homes, Ancaster Meadowlands Phases 8 and 9 (Delegation approved by Committee on June 20, 2006) (Item 6.8)

Chair Pearson noted that four delegations had been approved to speak to Committee on this item. She noted that there were a large number of people in

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the gallery to hear this item, and Committee agreed that the Minutes should reflect that.

Chair Pearson asked staff to give an introduction prior to the delegations being heard.

Lee Ann Coveyduck provided a brief overview of the background respecting this issue.

- Phase 8 was approved subject to the owner acquiring land from Hydro One for the construction of a collector road. The developer did not acquire the land and the condition to acquire the lands was transferred at Phase 8 to Phase 9 so that the Phase 8 subdivision could be registered.

- Landmart then appealed the transfer because it claims there is an unwilling vendor and the Province said that these lands must be purchased by the City and not by the developer. Another developer has also appealed Phase 9.

- The connecting roads across the hydro lands are part of the road pattern in the approved Secondary Plan. The hydro lands are 26 metres wide.

Stephen Waque addressed Committee on behalf of his client, Landmart Homes and asked that the City exercise its option to expropriate the requisite lands and Landmart will cover the costs.

Mr. Waque also asked that the City and Landmart cooperate on the appeal before the OMB with respect to Phase 9 and to support consolidation at this hearing with Mr. Wilson’s zoning appeal.

In response to questions posed by the Committee, he indicated that it is common practice to have presales in order to justify financing.

Tracy Lalonde addressed Committee. Her concerns included the following:

- She and her husband purchased a home from a reputable builder
- they chose their moving date carefully
- because of this indefinite delay all their plans have been cancelled
- have sold their previous home and are currently living with friends, as they are not from the area
- they are currently faced with the dilemma of whether to rent, and if so should they rent short term or long term?
- Should they purchase a home in the meantime?
• The stress is impacting their marriage.
• As a result, she has taken a leave of absence from her job.
• She wants everyone to be aware of the situation of the home buyers whose plans have been put on hold.

Robert Whitmore addressed Committee and indicated that he is representing Mr. Wilson, the farmer who is refusing to sell his lands. He provided the following background information:

• The lands have been farmed by Mr. Wilson’s family for many, many years.
• Mr. Wilson’s family conveyed the lands in question to hydro in the 1950’s with the agreement that the family continue to farm it.
• Mr. Wilson has always made it clear that he has these interests in the hydro lands.
• Any requirement to put a roadway through the hydro lands poses a problem for him.
• Landmart Homes has proceeded as if these problems will be resolved.
• Mr. Wilson does not have a problem with Phase 8. He just doesn’t want a road crossing the hydro lands.

Roy Kern addressed Committee and indicated that his is one of the purchasers waiting to move into his home. Some of his comments were as follows:

• He understands that the developer is anxious to pre-sell the homes.
• He doesn’t blame Council.
• There are 15 families waiting to move in.
• He asked that the City step in to rectify this situation.

Chair Pearson called Scott Snider to the podium but he was not in attendance.

Mario Roque from Landmart Homes addressed Committee. Some of his comments were as follows:

• He has found City Councillors to be willing to listen
• They can find a resolution.
• Council can retract the appeal and deem the condition satisfied.
• Landmart cannot satisfy the condition.
• He’s concerned for the homeowners.
• It is paramount for his company to satisfy his homeowners.
• Staff have not been accommodating.
• There’s always a solution where there’s a will.
• He wishes to work hand in hand with the City.
Tony Di Silvestri addressed Committee and advised that he has been in business for 55 years. Some of his comments were as follows:

- He has a development immediately west of Phase 8.
- The services to his land need to come from the Meadowlands.
- His company has met all the conditions imposed by the City.
- He supports development but not when it supports hypocrisy.
- He’s requesting that a clause be included preventing Landmart from objecting to other developments.

Committee discussed the matter in detail and had further information supplied by speakers and by staff.

On a Motion by Councillor Mitchell, seconded by Councillor Merulla, Committee received all the delegations which had been made at the Meeting.

On a Motion by Councillor Mitchell, seconded by Councillor Kelly, Committee moved In-camera at 2.25p.m. to consider advice that is subject to solicitor-client privilege.

On a Motion by Councillor Whitehead, seconded by Councillor Mitchell, Committee resumed in Open Session at 3.50p.m.

Chair Pearson reported that Committee had met In-camera, to receive legal advice. She advised that Committee had prepared the following statement, regarding the Landmart matter;

**Meadowlands of Ancaster**

- Phase 8 was initially approved with a condition that required the owner to acquire and dedicate to the City for road purposes, sufficient lands from Hydro One for Raymond Street and Street E prior to the registration of any phase of the subdivision.
- The Developer was having difficulty meeting this condition and expressed concerns that closings would be delayed. In order to address this situation that the developer has found himself in, on May 24 2006 the City transferred the condition for the road crossings from Phase 8 to Phase 9 in order to allow the registration of Phase 8 to be completed so that closing of the homes could take place.
- Subsequently, Landmart and another developer appealed this decision. As a result, the registration of Phase 8 could not be completed as anticipated. This has resulted in the delayed real estate closings.
- This City acknowledges that this is a regrettable position for the homeowners to find themselves in. Homeowners are encouraged to address their interim accommodation concerns with the developer.
In the event the appeals are withdrawn, Landmart would be in a position to register the subdivision and proceed with the real estate closings for Phase 8.

Councillor Whitehead agreed that the statement reflected the In-Camera discussion, but advised that he did not support this as the final City position on the matter.

Councillor Bratina asked about the disposition of appeals, once they have been made to the OMB. Ms Coveyduck explained that when an appeal is made to the City, we are required to forward it to the Board, and the City cannot withdraw appeals made by others. She confirmed that if both developers withdrew their appeals regarding Phases 8 and 9, the subdivision could proceed to registration, and closings for the houses in Phase 8 could take place.

Chair Pearson advised that sufficient copies of the Statement had been made for all interested parties.

(r) Adjournment

On a Motion, Committee adjourned at 3.55 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
July 10, 2006