Economic Development and Planning Committee
REPORT 07-004
February 20, 2007
9:30 a.m.
Council Chambers
Hamilton City Hall

Present: Chair D. Mitchell
1st Vice-Chair T. Whitehead
2nd Vice-Chair M. Pearson
Councillors: B. Bratina, B. Clark, S. Duvall, L. Ferguson,
B. McHattie, R. Pasuta

Also Present: Councillors C. Collins, T. Jackson, M. McCarthy and
R. Powers

Staff Present: L. Coveyduck, General Manager - Planning and
Development
T. McCabe, P. Mallard, E. John, T. Sergi, P. Mason,
B. Farkas, S. Murray, S. Deiaco, B. Montgomery,
G. Macdonald, L. Brooks, S. Hamilton, S. Murray, M. Hazel,
S. Robichaud, K. West – Planning and Development
N. Everson, J. Norton – Economic Development
R. Marini, H. Milsome – Downtown Renewal
H. Vastis, G. Brailsford, A. Zuidema, Legal Services
A. Rawlings, I. Bedioui – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 07-004 AND RESPECTFULLY RECOMMENDS:

1. Recommendation to Designate 209-211 James Street South, Hamilton,
Under Part IV of the Ontario Heritage Act (PED07068) (Ward 2) (Item 5.1)
   
   (a) That the designation of 209-211 James Street South as a property of
cultural heritage value pursuant to the provisions of Part IV of the Ontario
Heritage Act, 1990, be approved.

   (b) That the Statement of Cultural Heritage Value and Description of the
Heritage Attributes, attached as Appendix A to Report PED07068, be
approved.

   (c) That Corporate Counsel be directed to take appropriate action to
designate 209-211 James Street South under Part IV of the Ontario
2. **Ontario Realty Corporation Surplus Land Located at 464 McNeilly Road, Described as Part of Lot 8, BFC in the Former City of Stoney Creek, Designated as Part 1 on Plan 62R-15556 (PED07072) (Ward 11) (Item 5.2)**

That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation that the City of Hamilton has no interest in acquiring their land, legally described as Part of Lot 8, BFC in the former City of Stoney Creek, now in the City of Hamilton, more particularly described as Part 1 on Plan 62R-15556, as shown on Appendix “A” to Report PED07072.

3. **Declaration of Surplus Property and Sale of 65 King Street West, in the Former City of Stoney Creek (PED07073) (Ward 9) (Item 5.3)**

   (a) That the City land identified as 65 King Street West, being Parcel A on Plan 1010, having a frontage of 4.57 metres (15.0 feet) along the south side of King Street West and a lot depth of 79.55 metres (261.0 feet), as shown on Appendix “A” to Report PED07073, in the former City of Stoney Creek, 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.

   (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 negotiate the sale of the subject lands, as shown on Appendix “A” to Report PED07073, save and except for the required road widening, at fair market value to the abutting land owners of 63 King Street West, 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).

4. **ERASE Redevelopment Grant Application (ERG-06-07) – National Painting & Decorating Co. Ltd. (c/o 1649626 Ontario Inc., David Horwood), 801 King Street West, 80, 86, 90 Carling Street, Hamilton (PED07078) (Ward 1) (Item 5.4)**

   (a) That ERASE Redevelopment Grant Application ERG-06-07, submitted by National Painting & Decorating Co. Ltd. (c/o 1649626 Ontario Inc., David
Horwood), owner of the property at 801 King Street West, 80, 86, 90 Carling Street, for an ERASE Redevelopment Grant not to exceed $525,000.00 payable to National Painting & Decorating Co. Ltd. (c/o 1649626 Ontario Inc., David Horwood), over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

(b) That the City enter into an ERASE Redevelopment Agreement with National Painting & Decorating Co. Ltd. (c/o 1649626 Ontario Inc., David Horwood) regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 801 King Street West, 80, 86, 90 Carling Street, with such agreement to be satisfactory to the City Solicitor.

5. **2006 Year End Film & Television Office Activity Report (PED07080) (City Wide) (Item 5.5)**

That Report PED07080, “2006 Year End Film & Television Office Activity Report”, be received.

6. **Application for a Change in Zoning for the Property Located at 215 Springbrook Avenue (Ancaster) (PED07063) (Ward 12) (Item 6.2)**

That approval be given to Zoning Application ZAC-06-81, by 800064 Ontario Inc. (c/o A. Di Silvestro), owner, for changes in zoning from the Agricultural “A” Zone to the Residential “R4-557” Zone (Block “1”), to permit the existing dwelling or 2 new single detached dwellings on separate lots, and from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block “2”), to permit two single detached dwellings on separate lots, on the property located at 215 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED07063, on the following basis:

(a) That Block “1” be rezoned from the Agricultural “A” Zone to the Residential “R4-557” Zone;

(b) That Block “2” be rezoned from the Agricultural “A” Zone to the Residential “R4-548” Zone;

(c) That the draft By-law, attached as Appendix “B” to Report PED07063, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment; and,
(d) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

7. Application for a Change in Zoning for the Property Located at 311 Springbrook Avenue (Ancaster) (PED07064) (Ward 12) (Item 6.3)

That approval be given to Zoning Application ZAC-06-82, by 800064 Ontario Inc. (c/o A. Di Silvestro), owner, for changes in zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block “1”), to permit 2 new single detached dwellings on separate lots, and from the Agricultural “A” Zone to the Residential “R4-557” Zone (Block “2”), to permit the existing dwelling to be relocated or 2 new single detached dwellings on separate lots, on the property located at 311 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED07064, on the following basis:

(a) That Block “1” be rezoned from the Agricultural “A” Zone to the Residential “R4-548” Zone;

(b) That Block “2” be rezoned from the Agricultural “A” Zone to the Residential “R4-557” Zone;

(c) That the draft By-law, attached as Appendix “B” to Report PED07064, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment; and,

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

8. Application for a Change in Zoning for the Property Located at 333 Springbrook Avenue (Ancaster) (PED07065) (Ward 12) (Item 6.4)

That approval be given to Zoning Application ZAC-06-83, by 800064 Ontario Inc. (c/o A. Di Silvestro), owner, for changes in zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block “1”), to permit 2 new single detached dwellings on separate lots, and from the Agricultural “A” Zone to the Residential “R4-555” Zone (Block “2”), to permit the existing dwelling or 2 new single detached dwellings on separate lots, on the property located at 333 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED07065, on the following basis:

(a) That Block “1” be rezoned from the Agricultural “A” Zone to the Residential “R4-548” Zone;
(b) That Block “2” be rezoned from the Agricultural “A” Zone to the Residential “R4-555” Zone;

(c) That the draft By-law, attached as Appendix “B” to Report PED07065, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment; and,

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

9. Application for a Change in Zoning for Lands Located at 18 Dennis Avenue (Flamborough) (PED07061) (Ward 15) (Item 6.5)

That approval be given to Zoning Application ZAR-06-89, Byron and Michelle Cardoso, owners, for a change in zoning from the “R1-6” Urban Residential (Single Detached) Zone to the “R1-35” Urban Residential (Single Detached) Zone to recognize the location of the existing single detached dwelling on a separate lot, and to permit one new single detached dwelling on a separate lot, for the lands located at 18 Dennis Avenue (Flamborough), as shown on Appendix “A” to Report PED07061, on the following basis:

(a) That the subject lands be rezoned from the “R1-6” Urban Residential (Single Detached) Zone to the “R1-35” Urban Residential (Single Detached) Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED07061, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

10. Application for a Change in Zoning for the Lands Located at 312-318 Arvin Avenue, Stoney Creek (PED07069) (Ward 10) (Item 6.6)

That approval be given to Zoning Application ZAR-06-97, by Harris Steel Group Inc., owner, for a change in Zoning from the General Industrial “MG” Zone to the Site-Specific General Industrial “MG-11” Zone in order to permit the conversion of warehouse space to additional office space within the existing building, for lands located at 312-318 Arvin Avenue, as shown on Appendix “A” to Report PED07069, on the following basis:
(a) That the draft By-law, attached as Appendix “B” to Report PED07069, 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 Stoney Creek Official Plan.

11. Application for Approval of a Draft Plan of Subdivision, "Kopper Meadow Phase 2", and Change in Zoning for the Properties Located at 9796, 9788, 9778, 9772, 9754 and 9738 Twenty Road West (Glanbrook) (PED07066) (Ward 11) (Item 6.7)

(a) That approval be given to **Subdivision Application 25T-200522, by the Odan Detech Group Incorporated, c/o Paul Hecimovic, applicant**, to establish a draft plan of subdivision known as “Kopper Meadow Phase 2”, as redline revised, on lands located at 9796, 9788, 9778, 9772, 9754 and 9738 Twenty Road West (Glanbrook), as shown on Appendix “A” to Report PED07066, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision “Kopper Meadow Phase 2”, 25T-200522, as redline revised, prepared by Odan Detech Group, and certified by Dan McLaren, O.L.S., dated November 28, 2005, showing 26 lots for single detached dwellings (Lots 1 to 26), 2 blocks (Blocks 27 and 29) for future development, 6 blocks for existing single detached dwellings (Blocks 31 through 36), 1 block for a 0.3m reserve (Block 30), 1 block for a servicing easement (Block 28), 1 block for a 7.0m road widening on Twenty Road West (Block 37) and 2 public streets shown as Street “A” and Street “B”, attached as Appendix “B” to Report PED07066, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by the City Council, with the following special conditions included therein:

1. That the Owner agrees to provide concrete sidewalks on the south side of Kopperfield Lane abutting this development, as well as on the west side of “Street A” and the north side of Street “B”, in accordance with the City’s Sidewalk Policy, to the satisfaction of the Manager of Development Engineering.

2. That the owner agrees to provide street lighting throughout the subdivision to the limits of the subdivision and on Kopperfield Lane, where deemed necessary, to the satisfaction of the Manager of Development Engineering.
3. That the Owner make a cash payment to the City for the future urbanization of Twenty Road West, adjacent to the lands of Nos. 9796, 9788, 9778, 9772, 9754 and 9738 Twenty Road West, in accordance with the City’s Financial Policy, to the satisfaction of the Manager of Development Engineering.

4. That the Owner pay for their proportionate share of services in Kopperfield Lane from the west limit of Block 27 to the east leg of Brookheath Lane, to the satisfaction of the Manager of Development Engineering.

5. That the Owner be required to prepare a plan, at his own expense, to identify the portion of the one foot reserve, known as Block 77 on Plan 62M-865, to be lifted to the satisfaction of the Manager of Development Engineering.

6. That the owner agrees to extend storm and sanitary sewers to Twenty Road, including an overland flow route for major and minor storm events. The sewer(s) shall be located within an easement to the satisfaction of the Manager of Development Engineering. If the existing watercourse through municipal numbers 9772 and 9778 Twenty Road West is to be maintained as an open channel, the Owner shall convey an easement in favour of the City of Hamilton over the water course for purposes relating to access and maintenance, to the satisfaction of the Manager of Development Engineering.

7. That final approval not be granted until such time as the necessary upgrades and improvements to the Twenty Road Pumping Station and Forcemain have been constructed and commissioned, to the satisfaction of the General Manager, Public Works.

8. That the Owner agrees, in writing, to include the following noise warning clause in all agreements of purchase and sale for all lots and blocks within the draft plan.

“Residents of this development are advised that the John C. Munro Hamilton International Airport is located in the vicinity of the subject lands and, as a result, there is a potential for increased noise levels at times related to airport activity.”

Council – February 28, 2007
9. That the driveway locations on Lots 6, 7 and 11 be located to the satisfaction of the Supervisor of Traffic Planning, and must be shown on the approved engineering drawings.

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development;

(iii) 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-05-95, by the Odan Detech Group Incorporated, c/o Paul Hecimovic, applicant**, for a change in zoning from the Existing Residential “ER” Zone to the Single Residential “R4-206” Zone (Block “1”) and the Single Residential – Holding “H-R4-206” Zone (Block “2”), for the rear of lands located at 9796, 9788, 9778, 9772, 9754 and 9738 Twenty Road West (Glanbrook), as shown on Appendix “A” to Report PED07066, on the following basis:

(i) That Block “1” be rezoned from the Existing Residential “ER” Zone to the Single Residential “R4-206” Zone;

(ii) That Block “2” be rezoned from the Existing Residential “ER” Zone to the Single Residential – Holding “H-R4-206” Zone;

(iii) That the ‘H’ Holding provision, applicable to Block “2”, may be removed by a further amendment to this By-law, at such time as the owner applies for and receives approval of a draft plan of subdivision, to the satisfaction of the Director of Development and Real Estate, and that the Niagara Peninsula Conservation Authority has been satisfied that all issues pertaining to alterations to the watercourse and stormwater management have been adequately addressed;

(iv) That the attached draft By-law, included as Appendix “C” to Report PED07066, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(v) That the amending By-law be added to Schedule “E” of Zoning By-law No. 464; and,
(vi) That the proposed change in zoning and draft plan of subdivision are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the Township of Glanbrook.

(c) That upon registration of the Subdivision, the Northwest Glanbrook Planning Area Land Use Plan be amended to reflect the change in road pattern.

12. Applications for a Draft Plan of Subdivision and for a Change in Zoning for Lands Located at 1324 and 1328 Upper Sherman Avenue, Hamilton (PED07058) (Ward 7) (Item 6.9)

(a) That approval be given to amended Subdivision Application 25T200616, ADJ Ventures Inc., Owner, to establish a draft plan of subdivision comprising three blocks for freehold townhouses and one block for a common element condominium roadway and parking, on lands located at 1324 and 1328 Upper Sherman Avenue (Hamilton) (as shown on Appendix “C” to Report PED07058), subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision 25T-200616, prepared by S.D. McLaren, OLS, as certified on January 11, 2007, and redline revised showing three blocks for freehold townhouses and one block for a common element condominium roadway and parking, attached as Appendix “C” to Report PED07058, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by the City Council and with the following special condition included therein:

(1) That the subdivider shall be required to pay for the cost of future urbanization of that portion of Upper Sherman Avenue adjacent to the entire frontage of the subdivision, to the satisfaction of the Manager of Development Engineering.

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That the payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the blocks 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 first building permit for each block;

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 amended Zoning Application ZAC-06-27, ADJ Ventures Inc., Owner, for a change in zoning from the “AA” (Agricultural) District to the “RT-30/S-1574” (Street - Townhouse) District, Modified, to permit a maximum nineteen freehold townhouse units, on the lands known as 1324 and 1328 Upper Sherman Avenue (Hamilton), as shown on Appendix “A” to Report PED07058, on the following basis:

(i) That the subject lands be rezoned from the “AA” (Agricultural) District to the “RT-30/S-1574” (Street - Townhouse) District, Modified.

(ii) That the draft By-law, attached as Appendix “B” to Report PED07058, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

13. Applications to Amend the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 1718 Wilson Street West (PED07060) (Ward 12) (Item 6.10)

(a) That approval be given to Official Plan Amendment Application OPA-06-19, Nick Koppelaar, owner, for a change in designation on Schedule “A” – Land Use – Rural Area of the Town of Ancaster Official Plan, from “Agricultural” to “Agricultural – Special Policy Area”, to permit Agricultural Fairgrounds, on the property located at 1718 Wilson Street West (Ancaster), as shown on Appendix “E” to Report PED07060, on the following basis:

(i) That the subject lands be redesignated from “Agricultural” to “Agricultural – Special Policy Area”;

(ii) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED07060, be adopted by Council; and,

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

(b) That approval be given to Zoning Amendment Application ZAC-06-72, Nick Koppelaar, owner, for changes in zoning from the Agricultural “A” Zone to the Holding Agricultural “H-A-554” Zone (Block “1”) to permit
Agricultural Fairgrounds and related uses, and from the Agricultural “A” Zone to the Private Open Space “O1-556” Zone (Blocks “2”, “3”, and “4”) to permit conservation and open space uses, for the property located at 1718 Wilson Street West (Ancaster), as shown on Schedule “A” to Appendix “B” of Report PED07060, on the following basis:

(i) That Block “1” be rezoned from the Agricultural “A” Zone to the Holding Agricultural “H-A-554” Zone;

(ii) That Blocks “2”, “3”, and “4” be rezoned from the Agricultural “A” Zone to the Private Open Space “O1-556” Zone;

(iii) That the draft By-law, attached as Appendix “B” to Report PED07060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(iv) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to Block “1” of the subject lands by introducing the Holding symbol ‘H’ as a prefix to the proposed Zone. The Holding provision will prohibit the development of the subject lands until such time that the owner:

1. Conducts an archaeological assessment of the entire development property and mitigates; through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Culture and the City’s Manager of Development Planning; and,

2. Addresses all issues relating to the servicing of the subject property for the proposed use, to the satisfaction of the Ministry of the Environment, the Director of Building and Licensing, and/or the Director of Public Health Services.

City Council may remove the ‘H’ symbol and, thereby, give effect to the Agricultural “A” Zone, Modified provisions, by enactment of an amending By-law once the conditions are satisfied.

(v) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No.____.

Council – February 28, 2007
14. **Application for Approval of a Draft Plan of Subdivision, “Mattamy on the Lake”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located at 1353, 1357, 1427 Baseline Road, and Part of 22 Falcon Road, Former City of Stoney Creek (PED07067) (Ward 11)** (Item 6.11)

(a) That approval be given to **Draft Plan of Subdivision Application 25T-200608 by Mattamy (Winona) Limited, William and Shelly Hill, John and Henny Vander Kolk, owners**, to establish a Draft Plan of Subdivision known as “Mattamy on the Lake”, on lands located at 1353, 1357, 1427 Baseline Road, and part of 22 Falcon Road (Stoney Creek), as shown on the attached map marked as Appendix “A” to Report PED07067, subject to the following conditions:

(i) That this approval apply to “Mattamy on the Lake”, prepared by A.T. McLaren Limited, and certified by S.D. McLaren, OLS, dated November 22, 2006, and revised January 15, 2007, showing 15 lots (Lots 1-15) for single detached dwellings, 21 lot-less blocks (Blocks 16-19, 21-29, 31-34, 36-39) for a maximum of 295 dwelling units, one block (Block 42) for parkland, one block (Block 41) for a stormwater management facility, one block (Block 43) for shoreline hazard lands, one block (Block 35) for a creek channel, one block (Block 20) for road widening, two blocks for public walkways (Blocks 30 and 40), the extension of four existing streets (Streets “A”, “D”, “F” and “G”), and the creation of three new streets (Streets “B”, “C”, and “E”) attached as Appendix “B” to Report PED07067, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by the City Council, with the special conditions as contained in Appendix “G”, included therein.

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

1. That in conjunction with the Water and Wastewater Division, the City shall be responsible for the cost of the required upgrades to the Winona Pumping Station and associated forcemain, as identified in the Development Charges Background Study.

2. That the City shall cost share for the urbanization of the existing Falcon Road from the east limit of the subdivision limit to Fifty Road, to be funded from former Stoney Creek reserves.
(3) That the City will cost share 50% for the equivalent of a 1.5m high galvanized fence that abuts City parkland (Block 42), to be paid from the Development Charge Reserve.

(4) That there will be a City Development Charge contribution for the land component and construction costs of the Stormwater Management Pond, as identified in the Development Charges Background Study to the predetermined upset limit amount.

(b) That approval be given to the application by Mattamy (Winona) Limited, William and Shelly Hill, John and Henny Vander Kolk, owners, for Official Plan Amendment No., for a change in designation from “Low Density Residential”, “Neighbourhood Park”, and “Open Space - Stormwater Management Facility” to “Parkette”, “Open Space”, “Open Space – Stormwater Management Facility”, and an amended “Low Density Residential” on Schedule “A4” – Urban Lakeshore Area Secondary Plan, on lands located at 1353, 1357, 1427 Baseline Road, and part of 22 Falcon Road in the Fifty Point Neighbourhood (Stoney Creek), as shown on Appendix “A” to Report PED07067, subject to the following:

(i) That “Urban Lakeshore Area” Secondary Plan Policy 13.4 be amended by:

(1) deleting the second paragraph in Policy 13.4.9; and,

(2) adding Policy 13.4.14 as follows:

"13.4.14 For the lands located in Part Lot 3, Broken Front Concession and known municipally as 1353, 1357, 1427 Baseline Road, and part of 22 Falcon Road, the following policies shall apply:

a) Notwithstanding Policy A.1.2.12 a) and A.13.4.9, the maximum density on the subject land shall be 32 units per Net Residential Hectare. A wide variety of dwelling types including single detached, semi-detached and townhouse units are permitted.

b) Architectural and Urban Design Guidelines shall be required for any Plan for Development and shall be prepared to the satisfaction of the City."

Council – February 28, 2007
(c) That approval be given to Zoning Application ZAC-06-49, Mattamy (Winona) Limited, William and Shelly Hill, John and Henny Vander Kolk, owners, for changes in zoning from the Single Residential “R1”, “R1-7”, “R1-7(H)”, “R1-15”, “R2”, and “R2-41” Zones; Open Space “OS-10” Zone; and Park “P” Zone to the Single Residential “R1-17” Zone (Block “1”); the Open Space “OS-11” Zone (Block “2”); the Open Space “OS” Zone (Block “3”); the Multiple Residential “RM1-4” Zone (Block “4”); and the Residential “R4-18” Zone (Block “5”) to permit single detached dwellings and townhouse dwellings, a parkette and open space on lands located at 1353, 1357, 1427 Baseline, and part of 22 Falcon Road (Stoney Creek), as shown on Schedule “A” and Schedule “A-1” of Appendix “E” to Report PED07067, subject to the following:

(i) That the draft By-law, attached as Appendix “E” to Report PED07067, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until the limits of “Block 2” on Schedule “A” are confirmed based on the outcome of a detailed design study for the shoreline protection works along the Lake Ontario frontage, that is to be prepared by the owner, to the satisfaction of the Manager of Development Engineering and the Hamilton Conservation Authority.

(ii) That the amending By-law be added to Schedule “A”, Map No. 4, of Zoning By-law No. 3692-92.

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

(d) That upon finalization of the implementing By-law, the Fifty Point Neighbourhood Plan be amended to reflect the changes in land use designation and road patterns.

15. Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan; Community Improvement Project Area; and Revisions to Program Criteria (PED07074) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13 & 15) (Item 6.13)

(a) That the Community Improvement Plan titled “Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan” attached as Appendix ‘A’ to Report PED07074, be approved;
(b) That the By-law adopting the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan attached to Report PED07074 as Appendix ‘B’, be approved;

(c) That By-laws 97-140; 88-12; 90-299; 87-87; 87-88; 87-89; 99-140; 95-11; 95-12; 02-110; and, 02-134 as amended, adopting Community Improvement Plans for Downtown Hamilton, Community Downtowns and Business Improvement Areas be repealed once the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan referenced in sub-section (a) above comes into force and effect;

(d) That the By-law designating the Community Improvement Project Area for the Downtown Hamilton, Community Downtowns and Business Improvement Areas, attached to Report PED07074 as Appendix ‘C‘ be approved;

(e) That the By-laws 96-188; 88-11; 90-270; 86-284; 99-133; 94-186; 90-156C and 02-133 as amended, designating Community Improvement Project Areas for Downtown Hamilton, Community Downtowns and Business Improvement Areas, be repealed once the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan referenced in sub-section (a) above comes into force and effect;

(f) That amendments to the Enterprise Zone Municipal Realty Tax Incentive Grant Program as described in Appendix ‘D’ to Report PED07074, be approved; and

(g) That amendments to the Commercial Property Improvement Grant Program, as described in Appendix ‘E’ to Report PED07074, be approved.

16. Applications to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law and for Approval of a Draft Plan of Subdivision on the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (PED06419) (Addendum Report (PED06419(a)) (Ward 11) (Item 8.1)

(a) That staff reports PED06419 and PED06419(a) be received for information.

(b) That the applications for Regional Official Plan Amendment ROPA-05-06, and Official Plan Amendment OPA-05-25, by Barton Assembly
Landowner’s Group, c/o Losani Homes, owners, be approved as follows:

(i) that staff be directed to prepare the appropriate amendments to be brought back to a future Committee meeting for consideration.

(ii) That the applicant’s study respecting the need for employment lands be deemed a comprehensive study.

(iii) That the subject lands be deemed as not required for employment purposes, and needed for conversion from employment to residential.

17. Applications for a Draft Plan of Subdivision Known as “Stone Ridge Estates” and for a Change in Zoning for Lands Located at 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue, Hamilton (PED06369) (Ward 7) (8.2)

a) That Council authorize the City’s position before the Ontario Municipal Board with respect to Subdivision Application 25T2000607, Meadowcreek Properties Ltd., Owner, to establish a draft plan of subdivision for thirty-two single-detached lots (Lots 1 to 32), one block for road widening (Block 38), five blocks for 0.3 metre reserves (Blocks 39 to 43), five blocks for future development (Blocks 33 to 37), two courts (Courts A & B) and the extension of Eaglewood Drive, on lands known municipally as 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue (Hamilton), as shown on Appendix “B” to Report PED06369, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06369 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 Council authorize the City’s position before the Ontario Municipal Board with respect to Zoning Application ZAC-06-43, Meadowcreek Properties Ltd., Owner, for changes in zoning from the “C” (Urban Protected Residential,
etc.) District to the “C/S-1559” (Urban Protected Residential, etc.) District, Modified (Block “1”), from the “C” (Urban Protected Residential, etc.) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified (Block “2”), from the “AA” (Agricultural) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified (Block “3”), and from the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified (Block “4”), to permit thirty-two single-detached dwellings on separate lots, on lands known municipally as 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue (Hamilton), as shown on Appendix “A” to Report PED06369, subject to the following:

(i) That Block “1” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “C/S-1559” (Urban Protected Residential, etc.) District, Modified.

(ii) That Block “2” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified.

(iii) That Block “3” be rezoned from the “AA” (Agricultural) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified.

(iv) That Block “4” be rezoned from the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified.

(v) That the draft By-law, attached as Appendix “D” to Report PED06369, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(vii) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended by revising the internal road pattern to reflect the one shown on Appendix “B” to Report PED06369.

18. Sale of City Owned Property - 30 Limeridge Road East, Hamilton to 1649404 Ontario Inc. (Anthony Di Silvestro) (PED07022) (Ward 7) (Item 8.3)

(a) That City Council approve, as the approving authority under the provisions of the *Expropriations Act*, the disposal of the lands known municipally as 30 Limeridge Road East, more particularly described as Part 1, Plan 62R-17421, Part 2, Plan 62R-14294, and Part 26 Plan 62R-11928, without
giving the owners from whom the land was taken the first chance to repurchase the lands on the terms of the best offer received by the expropriating authority taking into account all representations made by delegations to the Committee and by City staff and having considered all issues in good faith.

(b) That an Offer to Purchase executed by 1649404 Ontario Inc. on November 30, 2006, and scheduled to close on or before March 15, 2007, for the acquisition of vacant land in the City of Hamilton, municipally known as 30 Limeridge Road East, fronting on the west side of Lorenzo Drive and the south side of the Lincoln M. Alexander Parkway (as shown on Appendix “A” to Report PED07022), legally described as Part 1, Plan 62R-17421, having an area of 3.749 hectares (9.264 acres), more or less, and Part 2 on Plan 62R-14294, having an area of 0.707 hectares (1.746 acres), more or less, and Part 26 on Plan 62R-11928, having an area of 0.039 hectares (0.096 acres) more or less, (all as shown on Appendix “B” to Report PED07022), all collectively having an area of 4.495 hectares (11.107 acres), more or less, at a purchase price of $3,435,000.00, be approved and completed.

(c) That the required deposit cheque, in the amount of $343,500.00, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending completion of this transaction.

(d) That the sale price of $3,435,000.00, less the associated costs of preparing the property for sale as identified in Clause (e) below, be credited to "Freeway Land Purchases" – Account HAMTN 47702 4060087001.

(e) That the sum of $100,000.00 be credited to Account HAMTN 47702-3560150200 (Reserve for Property Purchases), being the cost to prepare the property for sale.

(f) That the sale price of $3,435,000.00 does not include the Goods and Service Tax; should the GST be applicable and collected by the City, the GST amount is to be credited to Account No. 22835 009000 (GST Payable).

(g) The Offer to Purchase agreement contains the following key provisions:

(i) That the Purchaser acknowledges and agrees that there are no warranties and/or representations by the City whatsoever with respect to the property and that the property is being purchased on an "as is, where is" basis…
(ii) That it is understood and agreed that the Purchaser shall pay their appropriate share of the servicing costs of Lorenzo Drive at the time of development, being $1,472.88 per metre of frontage for a total cost of $149,379.48, subject to adjustments.

(iii) That the Purchaser shall obtain the approval of the City for any development on the subject lands, prior to commencement of any development/subdivision.

(iv) That the Purchaser shall submit an application(s) for development of the subject lands within three (3) months of the acceptance of this transaction.

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

(i) The subject property, municipally known as 30 Limeridge Road East, was declared surplus by resolution of City Council on April 23, 2003, by adopting Item 4.3 of the Committee of the Whole Report No. 03-011.

(ii) No less than sixty (60) days’ notice was given to the public of the City’s intention to sell this property. Public notification was placed on the City of Hamilton's Web page and by placing City of Hamilton “For Sale” signs at Lorenzo Drive and on the eastbound approach ramp to the LINC.

(iii) An internal appraisal of the real property was completed on September 20, 2006.

(iv) The purchase price of $3,435,000.00 for the subject property falls within the range of the fair market value as determined by the City’s appraisal.

19. Re-establishment of Sport Tourism Advisory Committee (Item 9.2)

(a) That the Sport Tourism Advisory Committee be re-established, to run with the present term of Council;

(b) And that three members of Council be appointed to sit on this Committee;

(c) That Councillor Terry Whitehead be appointed to this Committee and that two other members be appointed by Council.
20. Comprehensive Employment Land Study (Phase 1) (PED07056)(a) (City Wide)(Added Item)

(a) That Report PED07056(a) respecting an update to the Comprehensive Employment Lands Study, be received, and that staff be directed as follows;

(i) To proceed with the public consultation on the Hemson Study, as outlined in Report PED07056

(ii) To complete the Historic Land Use (Brownfields) Inventory and re-assess the estimate on the supply of brownfield redevelopment land used in the Hemson Study by the Fall;

(iii) To include generalized information on the Brownfield Redevelopment Program differences between Hamilton and other communities in North America and Europe from previous reports;

(iv) To prepare an information report outlining the general difference between brownfield and greenfield costs; and,

(v) To engage a new consultant to peer review assumptions and analyses used in the Hemson Report in respect to employment land development densities and the office job component of the employment forecast at an approximate cost of: $15,000, and to identify an appropriate funding source for this cost.

21. Airport Shuttle (PED07077) (City Wide) (Added Item)

(a) That two (2) new reserve funds, Airport Joint Marketing Reserve Fund and Airport Capital Reserve Fund, be established for the City’s percentage of revenues collected from the John C. Munro Hamilton International Airport (HIA) as per Section 4.04 of the City of Hamilton/Tradeport – Airport Lease Agreement;

(b) That $50,000 be allocated as a one-time only seed money contribution for the Airport Shuttle;

(c) That the $50,000 be funded from the 3rd Quarter 2006 Work-in-Progress Variance Surplus report.
22. **TradePort International Corporation Reorganization of Share Structure (PED07030) (City Wide) (Item 6.3) (Added Item)**

(a) That pursuant to paragraphs 18.01.01 and 18.01.04 of the Hamilton International Airport (HI) Lease Agreement dated July 19, 1996 between the City of Hamilton and TradePort International Corporation, the City consents to the reorganization of the share structure within TradePort International Corporation, wherein all shares from Westpark Development Corporation and Labourers’ Union Local 837 Health and Welfare Plan (LIUNA) are to be transferred to YVR Airport Services (Hamilton) Limited, subject to the following conditions:

(i) That Vancouver Airport Authority confirm voting control, directly or indirectly of YVR Airport Services Limited and YVR Airport Services (Hamilton) Limited, as stipulated in clause 18.10.01 (c) of the Lease Agreement;

(ii) That there shall be no immediate change in the incumbent of the office of President of TradePort International Corporation for a period of one year subject to any disability or death of the incumbent, except with the consent of the City of Hamilton, such consent not to be unreasonably withheld;

(iii) That YVR Airport Services (Hamilton) Limited agree that the Board of Directors of TradePort International Corporation continue to have a minimum of two members that are either residents of and/or operate businesses in the City of Hamilton for a period of one year;

(b) That TradePort International Corporation and YVR Airport Services (Hamilton) Limited be requested to update their shareholdings statement to the City of Hamilton;

(c) That the contents of Report PED07030 remain confidential as the information contained therein pertains to advice that is subject to solicitor-client privilege.

**FOR THE INFORMATION OF COUNCIL:**

Chair Mitchell welcomed Councillor Bob Bratina who has recently been appointed to the Economic Development and Planning Committee.
(a) **Changes to the Agenda**

The Clerk advised of the following changes:

(i) Item 8.1, a copy of the Addendum Report PED06419(a) was distributed.

(ii) Added Item 11.1 respecting an update on brown fields was distributed.

(iii) Item 8.3 respecting the sale of City owned property will be considered as near as noon as possible.

(iv) Added Motion Item 9.3 respecting Committee of Adjustment.

(v) Change to Item 6.12. The Public Meetings will be held in two phases. The Public Meeting of the Licensing Code section will be heard today and the Taxi Licensing section will be heard on March 20, 2007.

(vi) Added Item 8.4 respecting Airport Implementation Task Force Report 07-002 will be distributed later in the meeting.

(vii) Added delegation request from Mr. Vito Sgro and Mr. Yeoman respecting Item 8.2 “Stone Ridge Estates.”

Committee approved the Agenda, as amended.

(b) **Declarations of Interest**

None

(c) **Delegation Requests**

(i) **Richard Oddie respecting the Hemson Report and issues of urban development in Hamilton (Item 4.1)**

The delegation request from Mr. Richard Oddie was approved to come before Committee when the next staff report addressing the Hemson Report is on the agenda.

(ii) **Mr. Vito Sgro and Mr. Yeoman respecting Item 8.2 Applications for a Draft Plan of Subdivision Known as “Stone Ridge Estates” and for a Change in Zoning for Lands Located at 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue, Hamilton (PED06369)**
The delegation request from Mr. Vito Sgro and Mr. Yeoman was approved to be heard today and was added as Item 8.2.1.

(d) 2006 Year End Film & Television Office Activity Report (PED07080) (City Wide) (Item 5.5)

Committee requested a verbal update from staff. Jacqueline Norton from the Economic Development division provided a verbal overview of the successes in this area and the challenges currently faced by the film industry in Hamilton.

Committee congratulated staff for their work.

(e) Alec Anastasiou, respecting development charges and driveway improvements at 863 Upper Paradise Road. (Delegation approved by Committee January 16, 2007) (Item 6.1)

Mr. Alec Anastasiou addressed Committee.

He referred to some previous correspondence which he had received from the City. He stated that the property known as 863 Upper Paradise Road was not a vacant lot, being an established lot exempt from parkland dedication because a single family dwelling had existed on the lot prior to 1990. The development fees have been paid. He indicated that a faxed letter from staff has confirmed this, but that the City has since changed its position. He did not accept that the City could charge retroactively for parkland dedication fees. The matter of the driveway approach is a separate matter and he doesn’t believe that the improvement is required.

A discussion followed on the appeal process and what would be the appropriate next steps.

By Motion, Mr. Anastasiou’s letter of complaint regarding development charges, was referred to the Audit and Finance Committee for consideration, and Public Works and Planning staff were directed to meet with Mr. Anastasiou respecting his concerns about the driveway issues.

Chair Mitchell thanked the delegation.

(f) Application for a Change in Zoning for the Property Located at 215 Springbrook Avenue (Ancaster) (PED07063) (Ward 12) (Item 6.2)

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

Greg MacDonald outlined the report to Committee.

Mr. Anthony Di Silvestro, Adisco/Urbex Engineering, the applicant’s agent, addressed Committee indicating that the applicant supports the staff recommendation.

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

Committee approved the staff recommendation.

(g) Application for a Change in Zoning for the Property Located at 311 Springbrook Avenue (Ancaster) (PED07064) (Ward 12) (Item 6.3)

A Public Meeting was held.

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

Greg MacDonald outlined the report to Committee and answered various questions.

Mr. Anthony Di Silvestro, Adisco/Urbex Engineering, the applicant’s agent, addressed Committee indicating that the applicant supports the staff recommendation.

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

Committee approved the staff recommendation.

(h) Application for a Change in Zoning for the Property Located at 333 Springbrook Avenue (Ancaster) (PED07065) (Ward 12) (Item 6.4)

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

Greg MacDonald outlined the report to Committee.

Mr. Anthony Di Silvestro, Adisco/Urbex Engineering, the applicant’s agent, addressed Committee indicating that the applicant supports the staff recommendation.

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

Committee approved the staff recommendation.

(i) **Application for a Change in Zoning for Lands Located at 18 Dennis Avenue (Flamborough) (PED07061) (Ward 15) (Item 6.5)**

A Public Meeting was held.

Chair Mitchell 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.

Laurielle Brooks outlined the report to Committee.

John Ariens, the applicant’s agent advised that he supported the staff recommendation.

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

Committee approved the staff recommendation.

(j) **Application for a Change in Zoning for the Lands Located at 312-318 Arvin Avenue, Stoney Creek (PED07069) (Ward 10) (Item 6.6)**

A Public Meeting was held.

Chair Mitchell 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.

Council – February 28, 2007
Shannon Hamilton outlined the report to Committee.

The applicant’s agent advised that the applicant supports the staff recommendation.

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

Committee approved the staff recommendation.

(k) Application for Approval of a Draft Plan of Subdivision, “Kopper Meadow Phase 2”, and Change in Zoning for the Properties Located at 9796, 9788, 9778, 9772, 9754 and 9738 Twenty Road West (Glanbrook) (PED07066) (Ward 11) (Item 6.7)

A Public Meeting was held.

Chair Mitchell advised that an Added Submission from Bob Reid, 9832 Twenty Road West, had been distributed.

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

Greg MacDonald outlined the report to Committee.

Sam Battaglia, the applicant’s agent, addressed Committee and advised that he was satisfied with the staff recommendations.

The Chair invited any member of the public wishing to speak to this matter to come forward.

Tony Sergi responded to questions with respect to drainage. The Committee’s questions also included the location of the natural areas, and whether these areas were wetlands.

Robert Penny, Wentworth Standard Condominium Corporation No. 342, 715 Silverbirch Boulevard, Mount Hope (Item 6.7.1)

Mr. Penny indicated that he is a director of one of the condominium corporations in the Village of Glancaster. He indicated to the Committee the general area where the 17 bungalows in the corporation are located (in a cul-de-sac) on the map. He advised that some basements were flooded during the last rain storm.
He is concerned the current design will not prevent further flooding. He is requesting that engineers undertake an investigation of the drainage system of the area prior to the approval of this development.

A copy of Mr. Penny’s letter was provided to Committee.

Paul Heimpel, WCC No. 282, 27 Silverbirch Boulevard, Mount Hope

Mr. Heimpel indicated that some of his concerns have already been expressed by the previous speaker. He wished to add that he and his neighbours are requesting that a Tree Preservation Study be undertaken by a separate consultant as there are very old trees on the property. He also requested that in order to safeguard the privacy of the existing homeowners that the proposed development include bungalows, along its boundaries.

A copy of Mr. Heimpel’s letter was provided to Committee.

Committee then discussed the matters raised, including the downstream impacts, Conservation Authority approvals, the City’s responsibility versus the developer’s responsibility and the potential impacts on adjacent and existing developments.

The following Amendment (McHattie/Whitead)

That the Draft Plan of Subdivision, Kopper Meadows Phase II, be forwarded to ESAEIG for review, and that any subsequent requirements of ESAEIG be incorporated into the Draft Plan conditions.

LOST on the following votes:

Yeas: Bratina, McHattie and Whitehead
Total: 3

Nays: Mitchell, Clark, Ferguson, Pasuta, and Pearson
Total: 5

The Committee approved the staff recommendation.

Councillors Duvall and Whitehead requested they be recorded as opposed.

Application for a Modification in Zoning for Lands Located at 205 John Street South (PED07062) (Ward 2) (Item 6.8)

Chair Mitchell advised that 2 added submissions had been received and distributed:
George Jahn and Don Rankin

Kvesic Family

A Public Meeting was held.

Chair Mitchell 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.

Frank Runco, the applicant’s agent, addressed Committee advising that he supports the recommendations.

The Chair invited any member of the public wishing to speak to this matter to come forward. No one came forward to address Committee.

On a Motion (Bratina/McHattie) the Committee TABLED the application for a modification in zoning for lands located at 205 John Street South (PED07062) until the next meeting in order to allow the Ward Councillor to meet with the residents.

(m) Applications for a Draft Plan of Subdivision and for a Change in Zoning for Lands Located at 1324 and 1328 Upper Sherman Avenue, Hamilton (PED07058) (Ward 7) (Item 6.9)

A Public Meeting was held.

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

Chair Mitchell advised that a letter from Arturo Espinoza had just been received and distributed.

Simon Deiaco outlined the report to Committee.

Don Valentini, the applicant’s agent, advised Committee that he supported the staff recommendation.

No members of the public came forward to address Committee.

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

Council – February 28, 2007
Tony Sergi agreed to provide information respecting Upper Sherman to Councillor Duvall. Mr. Sergi also noted that there are grading challenges off-site, and the need for blasting has not yet been determined.

Committee approved the staff recommendation.

(n) Applications to Amend the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 1718 Wilson Street West (PED07060) (Ward 12) (Item 6.10)

A Public Meeting was held.

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

Shannah Murray outlined the report to Committee.

Ed Fothergill, the applicant’s agent, addressed Committee, in support of the staff recommendation.

The Chair invited any member of the public wishing to speak to this matter to come forward.

Wally Clark

Mr. Clark advised Committee that he lives right next door to the proposed fairgrounds relocation. He asked what will happen to the water on the west. He expressed concerns that the proposal will affect the value of his farm. He fears that it may devalue his land and if so, he should be compensated. The Committee asked that Mr. Clark provide his questions and concerns to his Ward Councillor who will investigate the issues and attempt to address his concerns.

The Committee asked various questions including the location of and impact on the wetlands portion of the property, and the location of the driveways.

Councillor Ferguson indicated that the Agriculture Society has done an excellent job meeting with community to get input with respect to their proposal. He is aware that the residents on Trinity Road have not expressed any concerns. However, he acknowledged that there is an issue with water supply.

Councillor Ferguson noted that there is not an adequate supply of well water and that extensive fire protection is required – i.e. the construction of a pond. The Agriculture Society will be required to do this and it will cost $1 million to put fire
protection in. He explained that City water is available across the street, near the corner of Trinity Road, but because this is a Greenbelt area, connection to City water is not permitted under the Act.

Councillor Ferguson requested that the City work with the Province to allow the Agriculture Society to hook up to City water.

The Committee asked staff for their input and staff responded that they would not be opposed to the Councillor's request.

On a Motion (Ferguson/Whitehead) the Committee approved the following Motion:

**Water Source for Ancaster Fair Grounds**

That staff work with the Ancaster Agriculture Society, the Ward Councillor and the Province to obtain the necessary approvals to connect with the City's water supply to facilitate the relocation of the Ancaster Fair Grounds.

---

**Application for Approval of a Draft Plan of Subdivision, “Mattamy on the Lake”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located at 1353, 1357, 1427 Baseline Road, and Part of 22 Falcon Road, Former City of Stoney Creek (PED07067) (Ward 11) (Item 6.11)**

Chair Mitchell advised that added submissions from John and Lynn Krochak, Susan Round, and a letter plus petition from Christine Grosman had been distributed.

A Public Meeting was held.

Chair Mitchell 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.

James Webb, the applicant’s agent, addressed Committee and made a PowerPoint presentation highlighting the aesthetic features of the designs used by the builder and explained the requirement for rezoning in order to accommodate the designs. He noted that the development was originally to be a mix of singles and townhouses but was now proposed as singles only.

The Chair invited any member of the public wishing to speak to this matter to come forward.
Paul Phelps, president of Phelps Homes, addressed Committee. He is developing homes to the north of the proposed development. Mattamy is requesting that Block 16 be rezoned from R1 to R4 designation to permit increased lot width. Mr. Phelps requested that the R1 zoning be maintained in one abutting section in order to ensure that the new proposed homes be compatible with his development of larger, estate homes.

The Committee discussed the issues and noted that the two developers had not come to a mutual agreement. Committee also discussed the issues of road pattern and road extension, urbanization of roads and density issues.

Committee approved the staff recommendation.

(p) Repeal and Replacement of By-law 06-213 - A By-law to Deal with Licensing and Regulating Various Businesses, Taxicab Priority List, Removal of Persons from the Taxicab Priority List (PED07076) (City Wide) (Item 6.12)

The Chair advised that the following application is under the Municipal Act. He reiterated that Committee is only dealing with the Licensing issues and will hear the Taxi issues on March 20, 2007, following which, the By-law will go to Council.

Lee Ann Coveyduck outlined the report to Committee and indicated that the changes to the by-law only deal with housekeeping changes such as typos, spelling and consistency issues. She noted that when the matter was reviewed in the future that the Licensing and Taxi issues would be separated.

The Chair advised that this is a City initiative and invited any member of the public wishing to speak to this matter to come forward.

No one came forward.

On a Motion the portion of the Public Meeting dealing with the Licensing issues was closed off and the taxi issues portion of the Public Meeting was held over until March 20, 2007.

(q) Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan; Community Improvement Project Area; and Revisions to Program Criteria (PED07074) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13 & 15) (Item 6.13)

A Public Meeting was held.
Hazel Milsome made a PowerPoint presentation outlining the report.

Chair Mitchell advised the meeting of the following:

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 Official Plan Amendment is approved and/or 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.

This is a City Initiative, so there is no outside agent to address us here.

The Chair invited any member of the public wishing to speak to this matter to come forward.

No one came forward. Committee considered the report and the changes being proposed to the grant programmes. Councillor Clark asked that applications be carefully screened by all appropriate staff departments, before any approval was recommended. Ms Milsome agreed to review this.

Committee approved the staff recommendation.

(r) **Hamilton Idling Awareness Campaign and Control By-law (PED07070) (City Wide) (Item 7.1)**

Brian Montgomery provided an overview of the report and outlined what vehicles the City can control with respect to idling (i.e. not boats) and provided background information with respect to what measures the City has taken to date. He noted that the issue had been considered by the ARAAC, and that staff had consequently revised the by-law to exempt farm machinery and tractors.

The Committee asked various questions with respect to enforcement, exemptions, public input, and particulars of the proposed regulations and a lengthy discussion followed.
On a Motion (Whitehead/Pearson) Committee directed staff to hold an evening Public Meeting, to obtain public input on the Idling Control By-law, and to report back to Committee thereafter, with a final By-law.

On a Motion (McHattie/Whitehead) Committee directed staff to discuss the issue of allowing parking enforcement officers to enforce the proposed by-law, with regard to amendments to Part 2 of the Provincial Offences Act, with the Province.

On a Motion (Ferguson/Whitehead) Committee TABLED the report until the March 20, 2007 Committee meeting in order for staff to report back with respect to including a public meeting process, the feasibility of requesting amendments to Part 2 of the Provincial Offences Act to allow parking enforcement officers to also enforce the proposed by-law, and to address how the timing and enforcement of the by-law will be included in the 2007 Budget Process.

(s) 2007 Green Venture Base Funding & Authority to Enter into Agreements (PED07081) (City Wide) (Item 7.2)

The Committee deferred consideration of this report to March 20, 2007.

(t) Our Downtowns and BIAs – 2006 Annual Report and 2007 Downtown Renewal Division Work Plan (PED07079) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13, 15) (Item 7.3)

This Item was deferred until the next Committee meeting on March 20, 2007.

(u) Applications to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law and for Approval of a Draft Plan of Subdivision on the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (PED06419) (Ward 11) (Item 8.1) and Addendum Report (PED06419(a))

Greg Macdonald provided an overview and explained staff’s recommendation to deny the application.

Stephen Armstrong, Armstrong Hunter, representing Losani Homes, addressed Committee and explained why the application should be approved. He noted overwhelming support for residential development, in the surrounding neighbourhood.

Fred Losani addressed Committee in support of the application.

Frank Radocaj addressed Committee in support of the application.

Council – February 28, 2007
Committee discussed the matter in detail and had additional information supplied by the applicant, his agent and by staff. The discussion included the need for employment lands, the history of the site, the current availability of employment lands in Hamilton, Provincial policy on employment lands and their conversion, whether the applicant’s study represented a “comprehensive study”, the suitability of the site for industrial or residential use and the issue of precedent setting.

During the discussion, Councillor Mitchell relinquished the Chair to First Vice-Chair Whitehead in order to participate in the discussion.

Committee approved the Motion as outlined in Item 20 of this Report on a standing recorded vote as follows:

Yeas: Mitchell, Pearson, Clark, Ferguson, and Pasuta
Total: 5
Nays: Whitehead, Bratina, Duvall, and McHattie
Total: 4

At 6:30 pm, Councillor Mitchell advised he had a meeting in his Ward at 7:00 pm, and relinquished the Chair to First Vice-Chair Whitehead.

(v) Applications for a Draft Plan of Subdivision Known as “Stone Ridge Estates” and for a Change in Zoning for Lands Located at 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue, Hamilton (PED06369) (Ward 7) (Item 8.2)

Vito Sgro addressed Committee and requested that the originally approved Neighbourhood Plan be followed. He presented Committee with a sketch of the adjacent lands to illustrate how they could be accommodated in future development in the area. Mr. Sgro agreed to provide a copy of his presentation for the public record.

Mr. Yeoman, a resident on Eleanor Avenue, addressed Committee and agreed that the original Eleanor Neighbourhood Plan should be followed.

Staff explained the changes which had taken place, resulting in changes to the Neighbourhood Plan.

First Vice Chair Whitehead relinquished the Chair to Second Vice Chair Pearson, in order to participate in the debate. He suggested that a solution would be the creation of a servicing easement through the Yeoman property.
Mr. McCabe advised that staff did not support this as a developer is required to extend services to the boundary of his property, but not beyond it. Mr. McCabe advised that the matter brought forward by the delegations should be worked out between all the owners, and that these issues would still have arisen under the “old” neighbourhood plan.

Councillor Duvall thanked the delegations and staff, and confirmed that in spite of discussions having been held, the parties could not come to an agreement. He proposed that Committee continue with the staff recommendation.

Mr. McCabe confirmed that as the applicant has already appealed the matter to the OMB, that the Committee recommendation should simply endorse the staff position.

Committee approved the revised recommendation.

(w) Sale of City Owned Property - 30 Limeridge Road East, Hamilton to 1649404 Ontario Inc. (Anthony Di Silvestro) (PED07022) (Ward 7) (Item 8.3) (Item referred back from Council then tabled by Committee on February 6, 2007.

(i) John Vitulli, MGBVL Lawyers, respecting the Bethune Estate (delegation approved by Committee on February 6, 2007) (Item 8.3.1)

Mr. George Limberis of MGBVL Lawyers, addressed Committee and provided a hand out.

Mr. Limberis explained that the package he circulated contains letters between the City and his law firm, Counsel for the Bethune Estate, respecting the sale of 30 Limeridge Road East (City owned property), and a copy of the Expropriation Act.

Mr. Limberis advised that the subject lands were expropriated in 1993 to build a highway and the compensation was settled in 1999. The City later contacted the solicitors of the estate of the seller advising that the property may be put back on the market. Mr. Gresko, solicitor for the estate of the seller, sent a letter that they were not interested but wanted to be kept informed. Six years later, the client was advised that the property is for sale and that the City had received an offer. The Estate indicated that it wished to exercise its first right of refusal. The City advised that it had understood from its letter of February 22 that it relinquished the right of refusal.

Mr. Limberis said that the City is not acting in good faith with respect to his client. His client didn’t want to submit an offer but they didn’t want to
forfeit their right of first refusal either. In his opinion, it was not appropriate for the City to market the property without notifying the client of its right of first refusal. He added that if the City doesn't honour the offer, there will be legal problems.

The delegation asked, on behalf of his client, for the City to wait until Tuesday, February 27, 2007 to check their finances to see if they can re-purchase the property. He recognized that a potential purchaser has already put in an offer, but considered that the legal exposure to the first purchaser is greater.

The Committee asked several questions of the presenter and staff and discussed the correspondence.

(ii) 1649404 Ontario Inc.

Mr. Anthony Cameracci of 1649404 Ontario Inc. who submitted an offer on the land said that they were not made aware of a possible third party offer. The City had requested a time extension which the Company granted. He did not agree with the statements made by Mr. Limberis, the Estate’s solicitor. He asked that the City accept his company’s offer.

Chair Mitchell advised that Committee now needed to move into Closed Session to consider two items, one related to the current property disposition of 30 Limeridge Road East, and a second, also relating to property acquisition or disposition, adjacent to the Airport.

On a Motion by Councillor Pearson, seconded by Councillor Duvall, Committee moved in Closed Session to consider two items, at 1:00 pm:

(a) to consider the disposition of City property at 30 Limeridge Road East, and
(b) to consider the potential acquisition of property in the Airport area.

The Committee reconvened in Open Session at 1:40 pm.

On a Motion (Duvall/Clark) Committee amended the staff recommendation respecting 30 Limeridge Road East (PED07022) by adding the following wording to subsection (a):

“taking into account all representations made by delegations to the Committee and by City staff.”

Committee approved the staff recommendation as amended.
(x) **Airport Implementation Task Force Report 07-002(Added Item 8.4)**

Chair Mitchell explained that the Closed Session Meeting had dealt with one of the items from the Task Force, and requested a Motion on PED07048.

On a Motion (Clark/Duvall) Report PED07048 was deferred until the next Council meeting in order to allow Council members time to read it.

Committee then considered, and approved, items 1 and 3 from the Task Force Report (see Items 21 and 22).

(y) **Adjournment**

By Motion, Committee adjourned at 1:45 pm to move into a Special Council.

By Motion, Committee re-convened at 1:55 pm.

(z) **VIA Rail Station**

Councillor Bratina spoke to his Motion and to the consultant’s report.

On a Motion (Bratina/McHattie) the Motion was deferred until the next Council meeting to allow time for all Councillors to read the report.

(aa) **Re-establishment of Sport Tourism Advisory Committee (Item 9.2)**

Committee approved the Motion and appointed First Vice Chair Terry Whitehead to sit on the Advisory Committee.

Committee agreed that the second and third Councillors needed should be appointed by Council.

(bb) **Operational Review of the Committee of Adjustment (PED06407) (CityWide) (Added Item 9.3)**

On a Motion (Clark/Pearson) the proposed Motion was amended by adding subsection (e) as follows:
(e) That when an application from the rural area is considered by the Committee of Adjustment that at least one member from the rural area be present otherwise the application must be TABLED to a meeting when a member of the rural area is in attendance.

On a Motion (McHattie/Whitehead) the amended Motion as noted below was tabled in order to allow Councillor Ferguson to consult with the Agriculture and Rural Affairs Advisory Committee with respect to this issue.

(a) That the current two Committee of Adjustment Committee structure (Urban and Rural Section) to administer minor variances and consent applications under Sections 45 and 51 of the Planning Act be consolidated into a single Committee of Adjustment, effective upon the appointment of the new Committee of Adjustment members by the new City Council.

(b) That the consolidated Committee of Adjustment be comprised of 7 citizen members appointed by Council, of which not less than two shall have knowledge and experience in rural planning matters.

(c) That the consolidated Committee of Adjustment shall meet three times a month, with additional meetings as required.

(d) That the City Solicitor be authorized and directed to prepare the necessary amending By-law to implement the recommended changes to the Committee of Adjustment structure and administration for presentation to Council.

(e) That when an application from the rural area is considered by the Committee of Adjustment that at least one member from the rural area be present otherwise the application must be TABLED to a meeting when a member of the rural area is in attendance.

Councillor Ferguson noted that the next ARAAC would take place on February 27, 2007.

(cc) Proposed Parking Garage at Caroline and Main Streets

Ron Marini provided a verbal update on the status of the project. He explained that if the current discussions proceed well, staff will be bringing a report to Committee on March 20, 2007. The new structure will provide needed parking for Hess Village.
(dd) **Comprehensive Employment Land Study (Phase 1) (PED07056(a)) Added Item**

Paul Mason spoke to this report, which had been distributed this morning as a late item. Committee approved the staff recommendation.

(ee) **Adjournment**

On a Motion, the Economic Development and Planning Committee adjourned at 7:05 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
February 20, 2007