
Absent: Councillor L. Ferguson – personal business


AT THEIR MEETING OF MARCH 23, 2011, COUNCIL AMENDED THE REPORT, AS NOTED BELOW:

THE PLANNING COMMITTEE PRESENTS REPORT 11-006 AND RESPECTFULLY RECOMMENDS:

1. Commercial Heritage Improvement and Restoration Program (CHIRP) Fall 2010 Grant Applications (PED11042) (Wards 12, 13, and 15) (Item 5.1)

That approval be given to Conditional Grant Agreements within the terms of the Commercial Heritage Improvement and Restoration Program (CHIRP) for five projects identified in Appendix “A” to Report PED11042 attached hereto as Appendix A, subject to the following:

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

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between the City of Hamilton and the applicant, that the grant offer will be considered void and withdrawn.

(b) That the grant portion for the five projects, in the total amount of $84,413.09, be funded from the CHIRP Reserve 102047.

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

(d) That the General Manager of the Planning and Economic Development Department be authorized to approve a maximum extension period of 90-days to an applicant for the completion of the work, over and above the one-year period that each applicant is given in accordance with the terms and guidelines of the program, which commences the date Council approves the grants.

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

(f) That the applicants shall comply with their respective conditions of any applicable Heritage Permits, as approved by the Director of Planning, and advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.

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

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

(i) That Report PED11042 be forwarded to the Hamilton Municipal Heritage Committee for information.

2. Improvements to Dartnall Road (Rymal Road to Stone Church Road) Municipal Class Environmental Assessment (PED11043) (Ward 6) (Item 5.2)

(a) That the General Manager of the Planning and Economic Development Department be authorized and directed to file the Dartnall Road Municipal Class Environmental Assessment Environmental Study Report with the Municipal Clerk for a minimum thirty day public review period.

(b) That upon completion of the minimum thirty day public review period, the General Manager of the Planning and Economic Development Department, be authorized
and directed to proceed with implementation of the preferred alternatives, as outlined in Report PED11043, subject to funding approval through the capital budget process.

3. **Improvements to Rymal Road (Dartnall Road to New Trinity Church Corridor) Municipal Class Environmental Assessment (PED11044) (Ward 6) (Item 5.3)**

   (a) That the General Manager of the Planning and Economic Development Department be authorized and directed to file the Rymal Road Municipal Class Environmental Assessment Environmental Study Report with the Municipal Clerk for a minimum thirty day public review period.

   (b) That upon completion of the minimum thirty day public review period, the General Manager of the Planning and Economic Development Department be authorized and directed to proceed with implementation of the preferred alternatives, as outlined in Report PED11044, subject to funding approval through the capital budget process.

   (c) That the City transfer its share of funding for the Red Hill Business Park Reserve (#108042) in the amount of $10 million from the appropriate Development Charge Reserves based on servicing cost percentages contained in Table 2 of Report PED11044.

4. **Annual Report on Building Permit Fees (PED11062) (City Wide) (Item 5.4)**

   That Report PED11062, Annual Report on Building Permit Fees (PED11062) (City Wide), be received for information.

5. **Effect of Harmonized Sales Tax on Bingo Licensing Fees (PED07130(c)) (City Wide) (Item 5.6)**

   That Report PED07130(c), respecting the Effect of Harmonized Sales Tax on Bingo Licensing Fees be received for information.

6. **Application for Amendment to the Town of Flamborough Zoning By-law 90-145-Z for Lands Located at 249 and 251 Parkside Drive and 12 Cole Street (Flamborough) (PED11040) (Ward 15) (Item 6.1)**

   That approval be given to **Zoning Application ZAC-10-039, Mikmada Developments Group, Owner**, for a change in zoning from the Urban Residential (Single-Detached) “R1-6” Zone, Modified, with a Special Exception, to the Medium Density Residential “R6-15” Zone, Modified, with a Special

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Exception (Block 1), Urban Residential (Semi-Detached and Link) “R4” Zone (Block 2) and Urban Residential (Single-Detached) “R1-34” Zone, Modified, with a Special Exception, (Block 3), to permit infill residential development on lands known as 249 and 251 Parkside Drive and 12 Cole Street, in the former Town of Flamborough, as shown on Appendix “A” to Report PED11040, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule "A-6" of Zoning By-law No. 90-145-Z.

(c) That the proposal conforms to the Greenbelt Plan and the Places to Grow Plan, and is consistent with the Provincial Policy Statement.

(d) That the proposal conforms to the “Urban” Land Use policies of the Region of Hamilton-Wentworth Official Plan.

(e) That the proposal conforms to the “Residential” policies of the Town of Flamborough Official Plan.

7. Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek (PED10196(a)) (Ward 9) (Item 6.2)

(a) That approval be given to Official Plan Amendment Application OPA-08-012, by Ontario Realty Corporation, Owners, for Official Plan Amendment No. 6, to amend Schedule “A3-2”, Nash Neighbourhood Secondary Plan, to “Medium Density”, “Medium-High Density”, “Environmentally Significant Area”, “Open Space”, and “Stormwater Pond” of the Official Plan for the City of Stoney Creek, for the lands located within Part of Lot 29, Concession 6 (Saltfleet), as shown on Appendix “A” to Report PED10196(a), on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10196(a), be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
(b) That approval be given to Official Plan Modification No. to the Urban Hamilton Official Plan to re-designate portions of the subject lands to “Low Density Residential 2”, “Low Density Residential 2h”, “Medium Density 3”, “Natural Open Space” and “Utility”, and should Council’s decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Official Plan and defer them until the amendment to the City of Stoney Creek Official Plan is final and binding.

(c) That approval be given to Zoning Application ZAC-08-062, by Ontario Realty Corporation, Owners, for changes in zoning to the Multiple Residential “RM5-10” Zone, with a Special Exception (Blocks 1 and 2 on Appendix “D”), the Multiple Residential “RM3-42” Zone, with a Special Exception (Blocks 3 and 4 on Appendix “D”), the Single Residential “R4-29” Zone, with a Special Exception (Blocks 5 and 9 on Appendix “D”), the Single Residential “R4-30” Zone, with a Special Exception (Block 6 on Appendix “D”), the Multiple Residential “RM3-43” Zone, with a Special Exception (Block 7 on Appendix “D”), the Multiple Residential “RM2-25” Zone, with a Special Exception (Blocks 8 and 10 on Appendix “D”), the Conservation/Hazard Land (P5) Zone (Block 1 on Appendix “E”), and the Conservation/Hazard Land (P5, 29) Zone, with a Special Exception (Blocks 2 and 3 on Appendix “E”), as shown on Appendices “D” and “E” to Report PED10196(a), on the following basis:

   (i) That the draft By-laws, attached as Appendices “D” and “E” to Report PED10196(a), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council

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

(d) That approval be given to Draft Plan of Subdivision Application 25T-200806, by the Ontario Realty Corporation, Owners, to establish a draft plan of subdivision on lands located within Part of Lot 29, Concession 6 (Saltfleet), in the former City of Stoney Creek, as shown on Appendix “A” to Report PED10196(a), subject to the following conditions:

   (i) That this approval apply to Draft Plan of Subdivision 25T-200806, prepared by the IBI Group, and certified by J.D. Barnes Limited, O.L.S., dated July, 2010, as revised by Revision 7, dated January, 2011, showing 84 lots (Lots 1-84) for single-detached dwellings, 9 street townhouse blocks (Blocks F and Q to X, inclusive), 2 stacked townhouse blocks (Blocks G and I), 1 apartment block (Block J), 3 land conservation blocks (Blocks A, B, and H), 4 open space/buffer blocks (Blocks D, E, P, and K), Stormwater Management block (Block C), pedestrian walkway blocks (Blocks L, M, N, and O), and the creation of 5 public roads (Streets A-E), attached as Appendix “F” to Report PED10196(a), subject to the Owner
entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as “B” to Report PED10196(a);

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

(1) Any oversizing of the watermain and sanitary sewer within Street “A”; and,

(2) The stormwater management facility, from an approved Capital Budget Source, in accordance with applicable Council policies.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based on 5% of the value of the lands on the day prior to the day of issuance of each building permit for single-detached dwelling lots. Payment of Cash-in-Lieu of Parkland for Blocks F, G, I, J, and P to X, will be calculated at a rate of 1 hectare for each 300 dwelling units proposed if the final density is between 20 to 75 units per hectare, or 0.6 for each 300 units if the final density is over 75 units per hectare, and shall be based on the value of the lands on the day prior to the issuance of the first building permit on a block-by-block basis;

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

That item 7 of Planning Committee Report 11-006 be amended to add the following condition to subsection (d):

iv) That the owner agree that development of the subject lands not exceed 50% of the total developable land area until the Lower Davis Creek downstream erosion works have commenced construction or an assessment of the increased erosion risk has been completed that would determine if additional development can proceed.

(e) That Report PED10196, respecting Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek, be received.
8. Demolition Permit – 78 Birge Street (PED09094(a)) (Item 8.2)

That the Director of Building Services be authorized and directed to issue a demolition permit for 78 Birge Street in accordance with By-Law 09-208 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;
(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;
(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;
(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and
(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised the following changes to the agenda:

- two added delegation requests to speak to Committee today, added under Item 4. Copies of requests have been distributed this morning.

On a Motion the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

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The Minutes of the March 1, 2011 Planning Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Keith Mann, respecting the demolition permit application for 219 King Street West, Dundas, Item 8.1 on this Agenda (Item 4.1)

On a Motion (Clark/Whitehead), Committee approved the delegation to speak today, and agreed that Item 8.1 would be moved up on the Agenda.

(ii) Victor Veri, respecting the demolition permit application for 78 Birge Street, Item 8.2 on this Agenda (Item 4.2)

On a Motion (Clark/Johnson), Committee approved the delegation to speak today.

(iii) Jen Baker, Hamilton Naturalists Club, respecting their 50 years of protecting natural lands in the City, and current work with private landowners interested in permanently protecting their land. (Item 4.3)

On a Motion (Clark/Johnson), Committee approved the delegation to speak at a later meeting.

(iv) John Mackenzie, ORC and John Lohmus, IBI, respecting Item 6.1 ORC Lands on this Agenda (Added Item 4.3)

On a Motion (Clark/Johnson), Committee approved the delegation to speak today.

(v) Dave Cremasco, respecting Item 5.5 on this Agenda (Added Item 4.4)

On a Motion (Clark/Johnson), Committee approved the delegation to speak today.

(e) Commercial Heritage Improvement and Restoration Program (CHIRP) Fall 2010 Grant Applications (PED11042) (Wards 12, 13, and 15) (Item 5.1)
Councillor Partridge asked how construction work would be handled for 323-325 Dundas Street East, in Waterdown, as the building is built out to the sidewalk.

Meghan House, John Spolnik and Tony Sergi explained the methods through which construction on tight sites is handled. Staff noted that it is the constructor’s responsibility to obtain the required permits.

Committee approved the staff recommendation.

(f) Improvements to Dartnall Road (Rymal Road to Stone Church Road) Municipal Class Environmental Assessment (PED11043) (Ward 6) (Item 5.2)

Councillor Johnson noted a typo in the report: consultation should have been carried out with the Councillors for Wards 6, 9 and 11, not the Councillors for Wards 6, 9 and 10.

Committee approved the staff recommendation.

(g) Improvements to Rymal Road (Dartnall Road to New Trinity Church Corridor) Municipal Class Environmental Assessment (PED11044) (Ward 6) (Item 5.3)

Councillor Johnson noted a typo in the report: consultation should have been carried out with the Councillors for Wards 6, 9 and 11, not the Councillors for Wards 6, 9 and 10.

The Councillor asked if the sanitary sewer work would have any impact on the Trinity Church Road sanitary sewer.

Mr. Sergi advised that it should not.

Committee approved the staff recommendation.

(h) Annual Report on Building Permit Fees (PED11062) (City Wide) (Item 5.4)

Dio Ortiz gave an overview of the staff report, noting that 2010 had been an excellent year for building permits, with over $11 million in revenue. Mr. Ortiz explained that $4 million had gone to the reserves, but that the reserve still needed additional funds to be in a healthy position.

Staff advised that 2011 was an average year, so far.

Committee approved the staff recommendation.
(i) **Releasing Names of Pet Owners of Pets Involved in Attacks PED11053 (City Wide) (Item 5.5)**

Sue O’Dwyer gave an overview of the staff recommendation. Ms. O’Dwyer explained that in the preparation of the report, consultations had been carried out with both Legal and Freedom of Information staff, and that these two divisions did not support the release of individual’s names, unless this was ordered by the courts.

Peter Barkwell confirmed that his department had been consulted and had provided this advice. Mr. Barkwell’s points included, but were not limited to, the following:

- the Privacy Commissioner has dealt with this exact item and has given the ruling that a release of a name is an unjustified invasion of personal privacy
- if people want the name of a person, can commence a court action without a name, then obtain a court motion for the disclosure of the involved party, which will then order the City to disclose the name of the involved party
- once the City has laid a charge, a public process starts
- IPC says that the City should hand out a court date, then any person may attend court and read the details displayed on the docket
- IPC says it is an offence to deliberately disclose information which should not be disclosed

Committee asked further questions of staff, and additional responses, including the following, were provided:

- answer from IPC would probably be the same for a child assault on a child, at school, and the same for a traffic accident report
- staff has standard operating policy for response to dog bite incidents, animal issues, but nothing written out, no document given to those affected
- IPC has looked at “public interest” but still do not allow release of names
-Dog owners have a responsibility in keeping a dog, need to consider issues on a case by case basis
- IPC decisions the same in other municipalities, including London, Toronto, Caledon, Scarborough, Durham, Halton, Thunder Bay
- Legal did not look at whether other municipalities release this information, or whether other municipalities have released information and been brought to court
- In order to prevent an owner from owning other animals after such an incident, Dog Owners’ Liability Act requires a pattern of behaviour, not a single incident

Dave and Jenny Cremasco, 18 Audubon Street South, Stoney Creek, addressed Committee. His points included, but were not limited to, the following:
- very emotional, personal issue, pet cat killed by two dogs who entered his backyard last August,
- cat taken to vet, had to be put down, traumatic for family
- Animal Control staff picked up dogs, returned them to their owner but did not provide details of the name of the dogs’ owners
- Animal Control provided advice on how to proceed, Mr. and Mrs. Cremasco followed advice, attended court five times but court docket contained only names, numbers and not the charges. Impossible to find out who the owners were, or what happened to the charges
- Made unsuccessful FOI request to get owner’s name
- would like owners to pay $1600.00 vet bills

On a Motion, Committee received the delegation.

Committee discussed the matter in detail and raised points including the following:

- responsibility of City to ensure victims are not victimized twice
- bureaucratic nightmare, when suggested course of action does not work, adds costs, adds emotional trauma
- need to know if other municipalities have released this type of information, whether any has been sued
- need for City to develop new City policy, for release of names, on a case-by-case basis, need to look at legal issues
- issue of public safety, personal safety, community safety is paramount
- need to consider ways of prohibiting guilty owners from owning another, similar pet
- don’t want to put City taxpayers at risk of being sued
- dogs who have attacked once may become more vicious and an increased danger to the public.

Councillor Farr expressed his concerns, and provided details of a similar dog attack in his Ward.

Councillor Clark noted that he is a neighbour of the Cremascos and was fully aware of the incident described. He expressed his concerns about the incident and the way in which it was handled.

On a Motion (Whitehead/Farr) staff was given the following direction:

(a) That staff prepare a policy which will enable the City to release names of pet owners who own pets involved in attacks, on an individual basis, to those people who have been victimized by such attacks; and
(b) That staff investigate the feasibility of banning for life, any ownership of pets by people whose animals have been involved in repeat attacks, and that staff report back as soon as possible on both items.

(j) Effect of Harmonized Sales Tax on Bingo Licensing Fees (PED07130(c)) (City Wide) (Item 5.6)

Vince Ormond provided an overview of the staff report. Points noted included, but were not limited to, the following:

- all bingo fees in the City were analyzed
- all charities can apply to the Province for a refund on GST, HST
- Hamilton fees were similar to those charged by other large municipalities, such as Mississauga, Ottawa, Windsor, when the enquiry from the Lions Club was received. Some may have been reduced since 2009.

Committee approved the staff recommendation.

The matter was approved for removal from the Outstanding Business List:

(k) Application for Amendment to the Town of Flamborough Zoning By-law 90-145-Z for Lands Located at 249 and 251 Parkside Drive and 12 Cole Street (Flamborough) (PED11040) (Ward 15) (Item 6.1)

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

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

On a Motion (Pearson/Farr), Committee dispensed with the planner’s presentation.

Kate Mihaljevic was present to assist Committee.

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Adam Nesbit, MikMado Development Group, advised Committee that he was in agreement with the staff recommendation.

No members of the public came forward to address Committee.

On a Motion (Pearson/Johnson), the Public Meeting was closed.

Committee approved the staff recommendation.

Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek (PED10196(a)) (Ward 9) (Item 6.2)

Chair Pasuta advised the meeting that this matter was previously before Committee on September 7, 2010. At that time, the Public Meeting was concluded and the matter was then referred back for the Ward Councillor, and staff to work further on the issues raised. Staff has now brought forward a report with revised recommendations.

Chris Bell was present to assist Committee and gave a brief overview of the matter. He highlighted the issues identified by Committee when they deferred the matter in September, 2010, and how these matters had been addressed in staff’s revised recommendation. His points included the following:

- more detail for natural buffer on east side of creek
- leachate migration study has been completed, peer reviewed, and found there is no likelihood of impact
- Mistywood bridge will be for pedestrians/mobility aided persons only
- Unit yield has been lowered
- Warning clause respecting Davis Creek will be included on title.

Committee considered the presentation and raised points including, but not limited to, the following:

- contamination issues around Davis Creek still on-going, not solved at this point, this is a concern
- need for complete details of storm water management for this site, as well as for overall proposed development in the area.

The Ward Councillor, Councillor Clark, noted points including the following:
- studies of Davis Creek are on-going, source of contamination is probably cross contamination from some adjacent houses
- old landfill in area, West Quarry, opened in 1976, before MOE regulations, now capped
- purge wells still operating, to catch leachate from West Quarry
- newer, East Quarry Landfill is in operation, may be some dust and smell impacts, so warning clauses included
- Newalta, the landfill owners, were consulted
- Signage exists along creek to warn of contamination
- Some concerns over development in this area, particular concern about cumulative impacts of development in area.

Tony Sergi provided additional details about the watershed and drainage studies which had been carried out in the area, since early 2000.

John MacKenzie, ORC, and John Lohmus, IBI, addressed Committee in support of the staff recommendation.

Mr. MacKenzie thanked staff and Councillors for the significant amount of work they had undertaken on this proposed development.

On a Motion (Pearson/Whitehead), the delegation was received.

Committee discussed the need for further information on the storm water, sanitary sewer and engineering issues, and asked if such information could be provided prior to Council on March 23, 2011. Mr. Sergi indicated that this would be difficult, due to the amount of work involved.

On a Motion (Whitehead/Clark), the following direction was given to staff:

That staff prepare a report, to be brought back within 90 days, respecting both sanitary sewer and storm water mapping, and to address the cumulative impact of the proposed, collective developments in Upper Stoney Creek and Glanbrook, and to include and address any variances from past assumptions

Committee approved the staff recommendation on the application.

(m) Demolition Permit - 219 King Street West (Dundas) (PED11045) (Ward 13) (Item 8.1)
Frank Peter gave an overview of the staff report. His points included the following:

- staff recommendation is to approve demolition but require standard condition of rebuilding within two years
- owner does not wish to be bound by two year condition.
Dr. Keith Mann, owner of the property, addressed Committee. His points included, but were not limited to, the following:

- bought building in 2003, previously rented out, now vacant
- subject building is in poor shape, worse inside than outside, has appraisal from a real estate company showing poor condition, would like to demolish and rebuild
- has plans to use site as future office for his daughter, recently graduated from McMaster, to build a new building for medical use
- better to demolish and rebuild, but rebuild may not happen for 5-10 years, would put in grass and trees in the meantime. Does not wish to be bound by two year re-build requirement.

The Clerk advised that Russ Powers, the Ward Councillor, was in support of the request from Dr. Mann, and has no objection to the staff Recommendation

Committee discussed the matter and had additional information supplied by staff, including the following:

- zoning permits residential, also some commercial in an existing building. Proposed rebuild would need a rezoning, and possibly an Official Plan Amendment.

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

On a Motion (Clark/Whitehead), the matter was deferred for thirty days, for the applicant and staff to meet and review all the aspects related to the proposal.

Dr. Mann agreed to the deferral.

(n) Demolition Permit – 78 Birge Street (PED09094(a)) (Item 8.2)

Frank Peter provided an overview of the matter. His points included the following:

- original demolition permit for property approved in April, 2009, before Mr. Veri bought the subject property.
- Property zoned residential
- The applicant and his companies own several properties in the area, and operate a parking lot on some of the properties facing Victoria Avenue North
- Staff recommend that subject demolition be approved subject to the standard two-year rebuild conditions; just as the April, 2009 permit had been approved.

Victor Veri and his agent, Elbert van Donkersgoed, addressed Committee. The points included, but were not limited to, the following:

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- applicant had initially misunderstood application, would like to withdraw his responses to some of the “checklist” questions
- he considers that the demolition permit is routine, and should be issued without conditions, as surrounding area is “in transition” and should not be classified as “residential”
- considers some of staff report misleading
- requested demolition permit be issued without conditions.

Committee discussed the issue and had further information supplied by staff, and the applicant’s agent.

On a Motion (Pearson/Johnson), Committee received the delegation.

Committee approved the staff recommendation.

(o) MOTIONS (Item 9)

None

(p) NOTICES OF MOTION (Item 10.1)

Councillor Collins explained that the notice of Motion was on behalf of Councillor McHattie, as it applied to Locke Street.

Locke Street paid parking hours

Whereas, the Locke Street business area received paid parking machines in 2010, and;

Whereas, several businesses have experienced revenue decreases corresponding with the introduction of paid parking, and;

Whereas, the loss of revenue relates to a reduction of early morning customers in coffee/bakery establishments concerned about receiving parking tickets as they patronize Locke Street businesses for a short term morning purchase, and;

Whereas, the Dundas Business Improvement Area paid parking starts at 9AM.

Now Therefore,

That staff be directed to report back on changing morning paid parking hours in the Locke Street business area from 8AM to 9AM.
(q) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List Items (Item 11.1)

(a) Request from Environment Hamilton to add Cold Spring Creek Valley to Ontario Green Belt
Due date: March 21, 2011
Proposed new date: August 8, 2011

On a Motion (Clark/Johnson), Committee approved the new date.

(ii) News from the General Manager (Item 11.1)

Tim McCabe explained that the Province has now approved the Urban Hamilton Official Plan, subject to a number of deferrals.

Mr. McCabe noted that this approval was sent to the City last week, and that there is a 20 day timeframe to appeal. Mr. McCabe noted that staff is now analyzing the approval word by word, and would come back with a report to Committee on April 5, 2011. As April 5th is the last date for appeals, he asked if a Special Council Meeting could also be called for that day, to approve any potential appeals. The Clerk was directed to arrange this meeting.

Mr. McCabe noted that the Provincial approval had removed the Elfrida area as a potential future growth area.

Councillor Clark added that the Provincial approval had deferred the Karst area. He noted that Minister Aggelonitis was very pleased with the outcome and thanked all the staff and volunteers involved.

(r) PRIVATE AND CONFIDENTIAL (Item 12)

None

(s) ADJOURNMENT (Item 13)

On a Motion, the meeting adjourned at 1:40 pm.

Respectfully submitted

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Planning Committee

Alexandra Rawlings
Co-ordinator
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Robert Pasuta, Chair
Planning Committee

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