Planning and Economic Development Committee
REPORT 06-007
May 2, 2006
9:30 a.m.
Council Chambers
Hamilton City Hall

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

Also Present:  Councillors P. Bruckler, B. Morelli

Absent:  Councillor M. Ferguson – illness

Staff Present:  G. Peace, City Manager
L. Coveyduck, General Manager - Planning and
Development
T. McCabe, P. Mallard, T. Sergi, K. West, S. Deiaco,
E. John, P. Moore, A. Fletcher, P. Mason, S. Deiaco,
J. Hickey-Evans, G. Macdonald - Planning and Development
E. Switenky – Traffic
N. Everson, G. Paparella– Economic Development
M. Hazell - Parking
A. Rawlings – City Clerk's Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS
REPORT 06-007 AND RESPECTFULLY RECOMMENDS:

Council – May 10, 2006
1. **Ontario Realty Corporation Surplus Land Located North of Highway 403, Described as Parts 1, 2, 3, 4 & 5 on Registered Plan 62R-14848, in the Township of Ancaster, Now in the City of Hamilton (PED06132) (Ward 12) (Item 5.1)**

(a) 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 Lots 44 and 45, Concession 3, in the former Township of Ancaster, now in the City of Hamilton, more particularly described as Parts 1, 2, 3, 4 and 5 on Registered Plan 62R-14848, as shown on Appendix “B” to Report PED06132.

(b) That the Real Estate Section of the Development and Real Estate Division be authorized and directed to advise the Ontario Realty Corporation of the City of Hamilton’s requirements relating to the development of the subject ORC owned site.

2. **Demolition Permit – 194 Dumbarton Avenue (PED06133) (Ward 5) (Item 5.2)**

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 194 Dumbarton Avenue in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building and Licensing 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.

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**Council – May 10, 2006**
3. **Heritage Permit Application (HP2006-012) Under Part V of the Ontario Heritage Act to Permit Demolition of a Detached Garage on the Designated Property at 38 John Street East (Mill Street Heritage Conservation District), Waterdown, in the City of Hamilton (PED06134) (Ward 15) (Item 5.3)**

That Heritage Permit (HP2006-012) be approved for demolition of the existing garage at 38 John Street East, Waterdown, depicted in the submitted photographs accompanying the permit application, as shown in Appendix ‘A’ to Report PED06134.

4. **Main West Esplanade Business Improvement Area (B.I.A.) Expansion of Boundaries (PED06136) (Wards 1 & 2) (Item 5.4)**

   a) That the Main West Esplanade B.I.A. boundaries be expanded as identified in Appendix ‘A’ to Report PED06136;

   b) That the City Clerk’s Division be authorized and directed to circulate the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Sections 209, 210, 212 and 213 of the Municipal Act;

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

5. **Authority To Enter Into Agreements With Green Venture (PED06144) (City Wide) (Item 5.5)**

That Planning and Economic Development Department staff be authorized and directed to enter into agreements with Hamilton-Wentworth Green Venture, to deliver projects as outlined in individual project agreements, with each project agreement not to exceed $15,000, and with the total value of the agreements not to exceed the funding approved in the annual budget process.

6. **Advisory Committee Minutes – For Information**

   a) **Agricultural and Rural Affairs Advisory Committee-November 24, 2005 (Item 5.6)**

That the Minutes of the Agricultural and Rural Affairs Advisory Committee, dated November 25, 2006, be received.
7. **Application for Approval of a Draft Plan of Condominium Conversion, "Clairfords", for Lands Located at 17-65 Woodman Drive South (Hamilton) (PED06129) (Ward 5) (Item 6.1)**

That approval be given to **Condominium Conversion Application 25CDM-CONV-05-02, Clairford Limited (Ward Campbell), owner**, to establish a Draft Plan of Condominium for twenty-four existing residential townhouse units, located at 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 43, 45, 49, 51, 53, 55, 57, 59, 61, 63, and 65 Woodman Drive South (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED06129, subject to the following conditions:

(a) That this approval apply to the plan, prepared by A.J. Clarke and Associates Limited, and certified by B.J. Clarke, O.L.S., dated August 15, 2005, showing a total of twenty-four residential townhouse units, attached as Appendix “B” to Report PED06129.

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

(i) Development Planning and Engineering Conditions Nos. 12, 16, and,

1. That the Owner shall submit a report in accordance with Section 9(4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the buildings and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(ii) Bell Canada (Condominium Conversions) Condition No. 3.

8. **Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 360 Barton Street and 4 Hale Street (Stoney Creek) (PED06130) (Ward 10) (Item 6.2)**

(a) That approval be given to **Official Plan Amendment Application OPA-06-01, Matt Manzella, owner**, for Official Plan Amendment No.______, to the Official Plan for the former City of Stoney Creek, on the lands municipally known as 360 Barton Street and 4 Hale Street, as shown on Appendix “A” to Report PED06130, on the following basis:

**Council – May 10, 2006**
(i) That Schedule “A1”, Secondary Plan, Western Development Area, be amended from “Low Density Residential” to “Medium Density Residential”.

(b) That approval be given to Zoning Application ZAC-06-04, Matt Manzella, owner, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, from the Single Residential “R2” Zone to the Multiple Residential “RM2-13” Zone in order to permit street townhouse dwellings on the lands known as 360 Barton Street and 4 Hale Street, as shown on Appendix “A” to Report PED06130, on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED06130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 6, of Zoning By-law No. 3692-92.

(iii) That the zoning will be in conformity with the Official Plan for the former City of Stoney Creek upon the approval of Official Plan Amendment No. _____.

(c) That upon finalization of Official Plan Amendment No. ___ and the implementing Zoning By-law, that the approved Poplar Park Neighbourhood Plan be amended to change the designation from “Low Density Residential” to “Medium Density Residential”.

9. Applications for a Draft Plan of Subdivision Known as “Effort Gardens Phase 3” and for a Change in Zoning for Lands Located at 75 Benjamin Drive, Hamilton (PED06128) (Ward 7) (Item 6.3)

(a) That approval be given to Subdivision Application 25T200517, Sulphur Springs Development Corp., owner, to establish a draft plan of subdivision for fourteen single-detached lots on lands, known municipally as 75 Benjamin Drive (Hamilton), comprising 0.63 hectares (1.56 acres), as shown on Appendix “B” to Report PED06128, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06128, as amended by Committee on May 2, 2006, to exclude the requirement for a temporary turning circle, and the following:

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

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

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

(b) That approval be given to **Zoning Application ZAC-05-75, Sulphur Springs Development Corp., owner**, for a change in zoning from the “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, to permit fourteen single-detached lots on lands, known as 75 Benjamin Drive (Hamilton), as shown on Appendix “A” to Report PED06128, subject to the following:

(i) That the subject lands be rezoned from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District.

(ii) That the draft By-law, attached as Appendix “D” to Report PED06128, 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.

10. **Application for Approval of a Draft Plan of Subdivision, "Brook Meadows", and Change in Zoning for Lands Located at the East End of Old Mud Street (Stoney Creek) (PED06127) (Ward 9) (Item 6.4)**

(a) That approval be given to **Subdivision Application 25T-200524, by 1478551 Ontario Inc. (c/o Mike Bettiol), applicant**, to establish a draft plan of subdivision known as “Brook Meadows”, on lands located at the east end of Old Mud Street (Stoney Creek), as shown on Appendix “B” to Report PED06127, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06127 and the following:

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

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the **Planning Act**, prior to the issuance of each building permit for the lots within the draft plan. The payment will be based on the value of the lands on the day prior to the day of the 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-05-116, by 1478551 Ontario Inc. (c/o Mike Bettiol), applicant**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-17” Zone and the Open Space “OS” Zone, for lands located at the east end of Old Mud Street (Stoney Creek), shown as Blocks “1” and “2” respectively, on Appendix “A” to Report PED06127, on the following basis:

(i) That the draft By-law, as amended by Committee on May 2, 2006, respecting a minor mapping revision, attached as Appendix “D” to Report PED06127, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 10, of Zoning By-law No. 3692-92.

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

11. **Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) (Item 6.6)**

(a) That approval be given to **Subdivision Application 25T-200509, by 1322285 Ontario Ltd. (Silvestri Investments), owners**, to establish a draft plan of subdivision, known as "Heritage Greene," on lands located on Part of Lot 32, Concession 7 (Saltfleet), as shown on Appendix “B” to Report PED06137, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06137, 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 be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the blocks within the plan of subdivision. The payment will be based on a maximum of 5% of the value of the lands on the day prior to the day of the issuance of the building permit for the residential block(s), and 2% for the commercial block(s);

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

(b) That approval be given to the amended application by 1322285 Ontario Ltd. (Silvestri Investments), owners, for Official Plan Amendment No. __, for land located within Part of Lot 32, Concession 7 (Saltfleet), as shown on Appendix “A” to Report PED06137, for a change in designation on Schedule “A” General Land Use Plan, from “Special Policy Area ‘C’” to “Shopping Centres” and “Residential”, and on Schedule “A3” Secondary Plan, West Mountain Planning District – Heritage Green Section, from “Special Policy Area ‘C’” to “District Shopping Centre”, “Community Shopping Centre” and “Medium-High Density Residential”, of the City of Stoney Creek Official Plan.

(c) That approval be given to City Initiative CI-05-N and amended Zoning Application ZAC-03-93, by 1322285 Ontario Ltd. (Silvestri Investments), owners, for changes in zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre (Holding) “SC2-3(H)” Zone, Neighbourhood Shopping Centre (Holding) “SC1-3(H)” Zone, Mixed Use Commercial (Holding) “MUC-1(H)” Zone, Multiple Residential (Holding) “RM3-27(H)”, Multiple Residential (Holding) “RM4-5(H)” Zone, and Open Space “OS” Zone, to permit a mixed use development on lands known as Part of Lot 32, Concession 7 (Saltfleet), in the former City of Stoney Creek, shown as Blocks 1 to 6, respectively, on Schedule “A” of Appendix “D” to Report PED06137, on the following basis:

(i) That the attached draft By-law, included as Appendix “D” to Report PED06137, as amended by Committee on May 2, 2006, respecting a reduction in lot coverage, reduction in floor area for any individual store, reduction in parking space requirements, and clarifications regarding permitted restaurants, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until a public information meeting has been held, in the local community, with an invitation to participate being sent to the Stoney Creek BIA, to explain the final recommendations regarding the subject development proposal.

(ii) That the amending By-law be added to Schedule “A”, Map No. 16 of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No.____.

(d) That upon finalization of Official Plan Amendment No. ____ and the implementing Zoning By-law, that the approved Valley Park Neighbourhood Plan be amended to reflect the designations and road pattern.

(e) And that the Site Plan for the eastern section of the proposed development be reviewed by the Community Advisory Group.

Council – May 10, 2006
12. Angelo Bonitatibus, respecting grading and flooding at San Diego Court, Ward 8 (Delegation approved by Committee, April 18, 2006) (Item 6.7)

That staff be directed to investigate the feasibility of providing a hookup to the existing, private catch basin, to review the associated cost and implications, and report back to Committee.

13. Denis Corr, Manager, Audit and Research, Rotek Environmental Inc. and Member of Clean Air Hamilton respecting Health Impact Pollutants - Mobile Study of Hamilton (No copy) (Item 7.1)

That the report regarding Health Impact Pollutants – Mobile Study of Hamilton, and the associated presentation material be received and referred to the Public Health Department, to report back, preferably to the Special Committee of the Whole meeting to consider climate change.

14. Appeal of the City of Hamilton Committee of Adjustment (Rural) Decision to Approve Severance Application AN/B-06:08 Loewith and Howe (Owners), 1736 Powerline Road West (Former Town of Ancaster) (PED06126) (Ward 14) (Item 8.1)

(a) That Report PED06126, respecting the appeal of the City of Hamilton Committee of Adjustment (Rural) Consent/Land Severance Application AN/B-06:08 (Loewith & Howe), 1736 Powerline Road West, former Town of Ancaster, as shown on Appendix “A” to PED06126, approved by the Committee of Adjustment (Rural) but recommended for denial by the Planning and Economic Development Department Be Received

(b) That staff be directed to withdraw the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment (Rural) to approve application AN/B:06-08, and that thereafter, no further action be taken respecting this application.

15. Regulations Regarding “Over-Building” (Monster Homes) on Residential Lots – Referred From City Council December 14, 2005 (PED06135) (Wards 8 & 13) (Item 8.2)

(a) That staff be directed to review the options for controlling “Monster Homes” in areas surrounding Mohawk College, as well as in the former Town of Dundas,
impacted by McMaster University, as part of the Residential work program for the City’s new Comprehensive Zoning By-law.

(b) That the Item respecting Monster Homes, referred from the City Council meeting of December 14, 2005, be identified as completed and removed from the Planning and Economic Development Outstanding Business List.

16. **Aeropark Industrial Lands – Extension to the Commencement and Completion of Construction Dates (PED05136(a)) (Ward 11 and City Wide)**

12.1 (a) That the Offer to Purchase the lands known as Part of Lot 5, Concession 3, Township of Glanford designated as Pt. 1, 62R-12209 and Pts. 7, 13, 19, 20, 25, 26 & 27, 62R-12459, municipally known as 2530 Highway No. 6, formerly in the Town of Glanbrook, now in the City of Hamilton, duly executed by the Purchaser, Orlick Industries Limited, on April 12, 2000 and approved by Regional Council on December 21, 1999, Item 1 of Report 8-99 of the Economic Development and Tourism Committee, be amended as follows:

(i) That Clause 8.7 – the commencement of construction date be extended from May 2, 2006 to 60 days after the General Manager of Public Works has lifted the development freeze precipitated by the lack of pumping capacity at the Twenty Road Pumping Station.

(ii) That Clause 8.8 – the completion of construction date be extended from May 30, 2007 to 18 months after the General Manager of Public Works has lifted the development freeze precipitated by the lack of pumping capacity at the Twenty Road Pumping Station.

(b) That Report PED05136(a) respecting the extension to the commencement and completion of construction dates for the Aeropark Industrial Lands remain a confidential document.

17. **Store Hours Policies and Procedures (PED06111) (City Wide) – Referred from Planning and Economic Development Committee on November 2, 2004 (Item 11.1)**

(a) That the City of Hamilton adopt the Retail Business Holidays Act, R.S.O., 1990, Chapter R.30, attached as Appendix A to Report PED06111, as the authority to regulate store hours within the City of Hamilton.

(b) That the draft by-law, to repeal By-law R79-202, as amended, the Regional Store Hours By-law, attached as Appendix C to Report PED06111, be enacted by City Council.
(c) That the Store Hours By-law item, referred from the Planning and Economic Development Committee on November 2, 2004, be identified as completed and removed from the Planning and Economic Development Committee Outstanding Business List.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

At the start of the meeting, the Clerk advised of the following changes to the Agenda:

(i) Request by Ed Fothergill to address Committee of the Whole on May 18, 2007 when GRIDS is considered.

(ii) Request by Sergio Manchia to address Committee when SCUBE is under consideration.

(iii) Request by 10 persons to address Committee when the staff report on climate change is considered.

Committee approved the delegations regarding GRIDS and SCUBE.

On a Motion by Councillor McHattie, seconded by Councillor Merulla, Committee directed that the climate change report be considered at a Special Committee of the Whole meeting, and that the ten delegations be heard there.

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Demolition Permit – 194 Dumbarton Avenue (PED06133) (Ward 5) (Item 5.2)

Councillor McHattie requested that the alternate staff recommendation, requiring building permit issuance before the demolition permit. Committee approved the alternate Motion.
(d) **Main West Esplanade Business Improvement Area (B.I.A.) Expansion of Boundaries (PED06136) (Wards 1 & 2) (Item 5.4)**

Councillor McHattie commended the Main West Esplanade BIA on their initiative.

Committee approved the staff recommendation.

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(e) **Application for Approval of a Draft Plan of Condominium Conversion, "Clairfords", for Lands Located at 17-65 Woodman Drive South (Hamilton) (PED06129) (Ward 5) (Item 6.1)**

A Public Meeting was held.

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

Kristen West outlined the report to Committee and explained that the application met the tests required for condominium conversion.

The applicant's agent, Sarah Knoll, Starward Homes, addressed Committee, in support of the staff recommendation.

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

Committee approved the staff recommendation.

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(f) **Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 360 Barton Street and 4 Hale Street (Stoney Creek) (PED06130) (Ward 10) (Item 6.2)**

A Public Meeting was held.

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

Paul Moore outlined the report to Committee.

Matt Manzella advised Committee that he supported the staff recommendation.
Larry Webb, 1 Hale Street, addressed Committee and explained his concerns about the proposed townhouse development, including, but not limited to, the proposed high density, how parking would be handled, the need to know what the new houses would look like, and potential devaluation of existing homes. He advised that he had a petition against the development, signed by 32 residents and submitted this to the Clerk. Mr. Webb requested that two houses be built on the site.

Lorne Cuthbert, 27 Seaton Place, addressed Committee and explained that he was concerned about the number and density of townhouses being proposed, the inadequacy of the space proposed for parking and the adverse impact of the truck traffic existing in the area.

Committee discussed the matter and had further information provided by staff.

Chair Pearson relinquished the Chair to Vice-Chair Bratina in order to address Committee. As Ward Councillor for the area, she explained that the front part of the subject site was previously considered for a 6-plex development, that the site is an eyesore and that industry with truck traffic has existed for many years on the north side of Barton.

Councillor Bratina then relinquished the Chair.

Committee continued their discussion of the matter, and approved the staff recommendation.

Councillor Bratina directed that staff provide information on whether the construction of townhouses in an area has an impact on the value of existing single detached houses.

(g) Applications for a Draft Plan of Subdivision Known as “Effort Gardens Phase 3” and for a Change in Zoning for Lands Located at 75 Benjamin Drive, Hamilton (PED06128) (Ward 7) (Item 6.3)

A Public Meeting was held.

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

Simon Deiaco outlined the report to Committee.
Angelo Cameracci, the applicant’s agent, advised that he supported the staff recommendation, with the exception of the recommendation for the provision of a temporary turning circle.

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

Committee discussed the proposal, including the details of the temporary turning circle, and had additional information supplied by staff.

Councillor Kelly, seconded by Councillor Bratina, proposed an amendment to remove the requirement for the temporary turning circle.

Committee approved the recommendation, as amended.

(h) Application for Approval of a Draft Plan of Subdivision, "Brook Meadows", and Change in Zoning for Lands Located at the East End of Old Mud Street (Stoney Creek) (PED06127) (Ward 9) (Item 6.4)

A Public Meeting was held.

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

Greg Macdonald outlined the report to Committee and explained a minor change to the schedule for the proposed by-law.

Steve Fraser, the agent, and Mike Bettiol, the applicant, advised Committee that they supported the staff recommendation.

Reverend Erin Betony, 364 Old Mud Street West, addressed Committee and explained his concerns about the existing grading in the area and how the new development would be graded. He noted problems of ponding and icing on existing lots and asked whether regrading could take place to alleviate these problems.

Tony Sergi gave an overview of how the grading in a new development is worked out, and offered to meet with Reverend Betony to go over the issue.

Committee discussed the issue of grading in new subdivisions, the securities taken by the City and how the final grading is signed off.

Tony Sergi explained that staff is working on a revised policy, to consider the issues prior to the acceptance and those which occur post acceptance.
Mr. Sergi continued that staff are looking at the practice in other municipalities, and how a pamphlet on drainage issues for homeowners is being prepared.

Councillor Whitehead advised that he would be bringing a related Motion to the next meeting of Committee and added that staff should give drainage plans to adjacent owners.

Committee approved the staff recommendation.

(i) Applications for Approval of a Draft Plan of Subdivision and Change in Zoning by Sulphur Springs Development Corp. (D. Carnicelli) for Lands Located at Ryckman’s Corners - 80 Springside Drive (Hamilton) (PED06131) (Ward 7) (Item 6.5)

A Public Meeting was held.

Chair Pearson advised that additional submissions had been received and distributed from:
- Anne DeVries, 21 Springside Drive
- Kevin McGill, 44 Springside Drive
- W. Douglas Keys, 45 Allison Crescent
- Wilfred Hart, 6 Lister Avenue
- William and Ruth Burke, 95 Springside Drive

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

Edward John outlined the report to Committee and provided details of the consultations which had taken place with the community regarding the proposed development of this infill site.

Angelo Cameracci, Urbex, the applicant’s agent, advised he was satisfied with the staff recommendation.

Dick Carnicelli, the applicant, also addressed Committee in favour of the proposed development and asked for it to be approved.

Wilfred Hart, 6 Lister Avenue, addressed Committee and explained his opposition to the proposal and noted the history of the development in the area, and how the proposed density and character of the proposal would not be compatible with the neighbourhood. He requested the proposal be denied.
Don Gervais, 109 Seneca, addressed Committee and explained his concerns, including density, incompatibility, increased traffic and unsafe conditions for children.

Doug Keys, 45 Allison, addressed Committee and explained his opposition to the proposal. He urged Committee to deny the current application and refer it back to staff.

Catherine Blanchard, 95 Springside, explained that she had lived in the area for 39 years and was strongly opposed to the development.

Bill Carey, 48 Allison Crescent, advised Committee that he had made his opposition clear at the community meeting in November, and that he opposed the development.

Mary Kerr, 83 Aldercrest, a 37 year resident, addressed Committee in opposition to the proposal, expressing concerns about the increase in cars and traffic and the loss of trees on the subject site.

Paul Roberts, 51 Allison, explained that the existing neighbourhood consisted of large properties, and was a good area. He considered the proposal too dense and asked for the existing zoning to be maintained, and a maximum of eight houses built.

Anne DeVries, 21 Springside, addressed Committee and noted her concerns regarding increased numbers of cars, traffic and safety issues, the need to maintain the character of the area, and the loss of the open space around the school.

Donald Lucking, 80 Seneca, addressed Committee and outlined his opposition to the proposal, particularly with regard to compatibility and the loss of greenspace. He noted he has lived in his house for 50 years and wants to maintain the character of the area.

Don Piette, 95 Seneca, addressed Committee and agreed with the points made by the previous speakers. He noted his concerns about the lack of suitability of the street for additional traffic, as well as for construction traffic.

Councillor Kelly thanked the residents for their input and suggested that some of the last minute suggestions for changes merited further discussion.

On a Motion by Councillor Kelly, seconded by Councillor Whitehead, Committee tabled the item until the meeting of May 16, 2006 to allow time for further discussions between the parties.
Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) (Item 6.6)

A Public Meeting was held.

Chair Pearson noted that an additional submission had been received from 100 Main Street Limited, and distributed this morning.

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

Peter Delulio outlined the report to Committee and provided background to the planning process which had taken place in the area. He explained that the plans for the area had been revised to include smaller “big box” stores and to incorporate residential development, with the integration of public transit.

Mr. Delulio noted that the comments received from the public included concerns regarding traffic, school safety, buffering, noise and impact on existing businesses.

Mr. Delulio advised that a number of changes were now proposed for the draft by-law, as follows:

- reduction in lot coverage
- reduction in maximum floor area for any individual store
- revisions to parking requirements
- clarification regarding restaurant types

Mr. Delulio explained the Holding provisions in the proposed by-law.

Don May, the applicant’s agent, addressed Committee and gave an overview of the proposals, with the aid of a powerpoint presentation.

Cathy Drewitt, Downtown Hamilton BIA, addressed Committee and explained concerns that adding 600,000 square feet of retail space was too much for the City to handle, especially as the commercial vacancy rate in Downtown Hamilton was 27%. She noted that the Concession Street and Stoney Creek BIAs would be most affected.

Staff explained that the proposal had been reduced to 300,000 square feet.
Councillor Bruckler noted that Stoney Creek BIA was not opposed to the development and that the Heritage Greene area was currently undersupplied with commercial development.

Committee discussed the overall issue of retail commercial trends, and had further information supplied by staff.

Diane Millar, 8 Bentwood Court, expressed her opposition to the provision of further retail space, explaining that adequate shopping space currently existed. She also said that the development would be a detriment to the area and would pose safety problems for the existing school. Ms. Millar said she would like a museum.

Councillor Bruckler gave an overview of the development history of Heritage Greene, and confirmed his agreement with the modifications to the by-law as explained by staff. He also proposed an amendment that the by-law would not proceed to Council until a public information session had been held in the community to explain the final proposal, with the Stoney Creek BIA in attendance.

Cynthia Basketich, GSP, addressed Committee on behalf of her clients, Smart Centres (formerly First Pro Shopping Centres). She expressed concerns regarding the by-law regulations regarding size of the stores in the development.

Councillor Bruckler also proposed an amendment that a Community Advisory Group should be involved in the site planning for the east section of the site.

Committee approved the amendments.

Committee then approved the staff recommendation, as amended.

Committee continued their discussion on retail development, considering the issues of retail trends, the amount of retail which is required/desired, the impact on the existing downtowns and BIAs, and how new retail areas would be handled. Staff explained that these issues would be addressed after GRIDS had been approved.

(k) Angelo Bonitatibus, respecting grading and flooding at San Diego Court, Ward 8 (Delegation approved by Committee, April 18, 2006) (Item 6.7)

Mr. Bonitatibus addressed Committee and explained the grading and flooding issues on his lot, with the help of a map of the area he had provided. He noted that the drainage had worked properly for 17 years, but that problems had started
when the development adjacent had been completed. He provided his suggestions to solve the problems:

- put in a pipe behind his property
- remodel the catch basin which existed
- install a new catch basin on his property.

Committee discussed the matter and expressed continuing concerns that the completion of grading and drainage in new subdivisions, and subsequent unauthorized changes was an ongoing problem.

Staff explained that they have requested information to ascertain how the changes to the grading leading to the flooding happened but that once a grading plan has been signed-off, any changes to it which cause problems become a civil matter between the residents concerned.

By Motion, Committee directed staff to consider ways in which the problem can be addressed and to report back.

(I) Alexander Tabakoff, 100 Nellida Crescent, respecting parking and enforcement issues on Nellida Crescent (Delegation approved by Committee, April 18, 2006) (Item 6.8)

Mr. Tabakoff addressed Committee and explained the parking situation on Nellida, and noted that he had provided a written submission to the Clerk, together with several letters from neighbours. He noted that it was important to correct some of the information which had been given to Committee by another neighbour, at a previous meeting.

Committee discussed the matter. Councillor Whitehead explained that this was a neighbourhood issue and that he would like to have a mediator involved, to solve it. He said that staff has to determine if there is a bona-fide reason to issue an on-street handicap parking space in front of the Harthun home.

Committee received the presentation.

(m) Denis Corr, Manager, Audit and Research, Rotek Environmental Inc. and Member of Clean Air Hamilton respecting Health Impact Pollutants - Mobile Study of Hamilton (No copy) (Item 7.1)

Brian Montgomery, the City’s Air Quality Co-ordinator, introduced Dennis Corr. Mr. Corr presented the results of his study to Committee with the aid of a powerpoint presentation. He explained that the Study had been carried out on behalf of Clean Hair Hamilton/the City of Hamilton/Ministry of
Environment/Environment Canada/Green Venture. The purpose of the task was to carry out a mobile air quality monitoring study to identify the transient levels of air pollution in Hamilton.

Mr. Corr explained that mobile scans were carried out across the City, in five industrial areas and a traffic intersections and a school during student pick-up and drop-off times. The following air pollutants were measured:

\[ \text{NO}_x \ - \text{Oxides of Nitrogen} \]
\[ \text{SO}_2 \ - \text{Sulphur Dioxide} \]
\[ \text{PM} \ - \text{Airborne particulate matter} \]
\[ \text{CO} \ - \text{Carbon Monoxide} \]

The Study found that the highest concentrations of pollutants existed at major road intersections and along heavily used roads in the industrial areas of the City, as well as at industrial point sources. The cumulative effect of these pollutants is serious, and the study concluded with a number of recommendations for changes and improvements.

Copies of the Study and the presentation were distributed.

Committee discussed the points raised, and had additional information supplied by the presenter.

Mr. Corr confirmed that the highest levels of emission and most serious local impacts are in the Northeast area of the City, that road dust is a significant problem, that traffic pollutants can lead to heart attacks and other health problems and that vehicle idling is one of the most serious issues.

Committee determined that the presentation should be forwarded to the Special Committee of the Whole meeting to consider climate change, and that Public Health staff should be asked to report back on today’s report and presentation, preferably at the same Committee of the Whole.

Chair Pearson thanked both presenters.

Committee received the presentation.

Staff Update on progress of new Official Plan and Zoning By-law (Item7.2)

Paul Mason, Joanne Hickey-Evans and Al Fletcher provided an overview of the work on these items, with the aid of a powerpoint presentation. Copies of the presentation were provided to Committee.

Committee discussed some of the issues raised.
Chair Pearson thanked staff and Committee received the presentation.

(o) Appeal of the City of Hamilton Committee of Adjustment (Rural) Decision to Approve Severance Application AN/B-06:08 Loewith and Howe (Owners), 1736 Powerline Road West (Former Town of Ancaster) (PED06126) (Ward 14) (Item 8.1)

Simon Deiaco gave an overview of the staff report and the reasons that staff do not support the severance application.

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

Ben Loewith, the applicant, addressed Committee and explained the background to his application and confirmed that the area in question would be maintained in agricultural use. He explained how he had already started to improve the land and confirmed that the severance did not create any new building lots, or potential for a future severance.

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

Committee then approved a Motion directing staff to withdraw the appeal of the severance application and to take no further action on the application.

(p) Regulations Regarding “Over-Building” (Monster Homes) on Residential Lots – Referred From City Council December 14, 2005 (PED06135) (Wards 8 & 13) (Item 8.2)

Al Fletcher provided an overview.

Committee discussed the matter. Councillor Whitehead expressed his concerns about the timing of the provision of the new regulations, as part of the overall zoning by-law.

Committee approved the staff recommendation.

(q) Motions (Item 9)

None
(r) Notices of Motions (Item 10)

None

(s) Store Hours Policies and Procedures (PED06111) (City Wide) – Referred from Council on April 26, 2006, for further discussion, and a review of Sunday shopping (11.1)

The Clerk provided an overview of the situation.

Committee determined that they had no wish to discuss their previous decision further, and that it remained unchanged.

(t) Private and Confidential Aeropark Industrial Lands – Extension to the Commencement and Completion of Construction Dates (PED05136(a)) (Ward 11 and City Wide) (PED05136(a)) (Item 12.1)

On a Motion by Councillor Mitchell, seconded by Councillor Braden, Committee moved In-camera to consider an item respecting acquisition or disposition of land by the Municipality.

On a Motion by Councillor Braden, seconded by Councillor Mitchell, Committee resumed in Open Session.

Committee then approved the staff recommendation.

(u) Volume of business of Planning and Economic Development Committee

Committee expressed concerns about the length of today’s agenda and the number of important and complex items being considered.

Staff explained that the volume of planning and economic development matters was very high, and that this pattern is expected to continue.

Committee discussed ways of addressing the matter and reviewed the possibility of having weekly meetings.

Committee approved Ms. Coveyduck’s request to have a Special PED evening meeting to consider the proposed rural policies in the Official Plan.

Council – May 10, 2006
On a Motion by Councillor Merulla, seconded by Councillor McHattie, the following was approved:

That consideration be given to holding meetings of the Planning and Economic Development Committee on a weekly basis, in order to address the volume of planning items for consideration, with a review of the possibility of having Public Meetings pursuant to the Planning Act on one meeting, and other matters at the second meeting of the month, and that staff report back.

(v) Adjournment

On a Motion, the Planning and Economic Development Committee adjourned at 3.45 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
May 2, 2006