Planning and Economic Development Committee

MINUTES 06-016

September 19, 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 D. Braden, B. Kelly, B. McHattie, S. Merulla
T. Whitehead

Also Present: Councillor P. Bruckler

Absent: Councillor M. Ferguson – Illness

Staff Present: L. Coveyduck, General Manager, Planning & Economic Development
T. McCabe, P. Mallard, P. Mason, J. Hickey-Evans, R.
Walters, J. Thompson, P. Moore, S. Baldry, E. John, D.
Falletta, T. Sergi, M. Inrig, B. Khes, M. Hazell, D. Fama, J.
Muto – Planning and Economic Development Department
T. Redmond, Building Department
E. Switenky, M. Tanner, Public Works
A. Zuidema, Legal Services
A. Rawlings, I. Sturgeon – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Application for a Variance to the Ancaster Sign By-law, 134 Wilson Street East
   (Ancaster) (PED06349) (Ward 12) (Item 5.1)
   (Kelly/Braden)
That approval be given to Sign Variance Application SV-05-06, Michael Mogavero,
owner, to permit a ground sign, notwithstanding that a ground sign is not permitted
within the Existing Residential “ER-536” Zone, for lands located at 134 Wilson Street
East (former Town of Ancaster), as shown on Appendix “A” to Report PED06349, on the
following basis:
(a) That a ground sign at a maximum height of 2.2 metres and with a maximum sign
   area of 2.25 square metres per side shall be permitted.

Council – September 27, 2006
(b) That the ground sign shall include the municipal street address number in numerals that are a minimum 15 centimetres in height.  

CARRIED

2. Commercial Heritage Improvement and Restoration Program (CHIRP) 2006 Grant Applications (Wards 2, 11 and 12) (PED06360) (Item 5.2)  

(Kelly/Braden)

(a) That a conditional grant agreement be issued within the terms of the Commercial Heritage Improvement and Restoration Program (CHIRP) for five restoration projects identified in Appendix ‘A’ to Report PED06360.

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entered into between the City of Hamilton and the applicant, that the grant offer will be considered void and withdrawn.

(c) That the grant portion for the five projects, in the total amount of $95,582.00, be funded from Community Heritage (CHIRP) Reserve 102047.

(d) That the Director of Development and Real Estate be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion for each individual grant does not exceed $20,000 and said grant is in accordance with all program requirements.

(e) That the Director of Development and Real Estate be authorized to approve a maximum extension period of ninety days to the applicants for the completion of the work, over and above the one year period that the applicants are given, which commences the date Council approves the grant.

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

(g) That the former Town of Ancaster By-law 90-1 designating the Ancaster Old Mill property (CHIRP2006-003) at 548 Old Dundas Road under the Ontario Heritage Act be amended to clarify the existing heritage attributes, as outlined in Appendix ‘B’ to Report PED06360.

(h) That the City Solicitor be directed to take appropriate action to amend the designation of 548 Old Dundas Road, Ancaster, under Part IV of the Ontario Heritage Act, in accordance with the written notice of the proposed amendment in Appendix ‘C’ to Report PED06360.

CARRIED
3. Application for a Variance to Ancaster Sign By-law, 211 Stonehenge Drive (Ancaster) (PED06364) (Ward 12) (Item 5.3)

(Kelly/Braden)
That approval be given to Sign Variance Application SV-06-05, Fellowship (Ancaster) Christian Reformed Church, Owner, to permit an electronic animated ground sign with changeable messages on lands located in an Institutional “I” Zone which are used exclusively for a place of worship, at 211 Stonehenge Drive (former Town of Ancaster), as shown on Appendix “A” to Report PED06364, on the following basis.

(a) That the existing ground sign in the front yard be removed prior to the erection of the new electronic animated ground sign, to the satisfaction of the Director of Building and Licensing.

(b) That the electronic animated ground sign be permitted with an electronic message display at a maximum 2.79 square metres per sign face, and that no message be displayed for less than three seconds, during which time there shall be no movement or change in colour or intensity of illumination.

(c) That the electronic animated ground sign display the municipal address in numerals that are a minimum height of 15.0 centimetres.

CARRIED

4. Committee of Adjustment (Rural) Severance Application FL/B-06:24, for Property Known as 392 Moxley Road, Flamborough - Supported by the Planning and Economic Development Department (PED06368) (Ward 14) (Item 5.4)

(Kelly/Braden)
That Report PED06368 respecting Committee of Adjustment (Rural) Severance Application FL/B-06:24, 392 Moxley Road, Flamborough, as shown on Appendix ‘A’ to Report PED06368, denied by the Committee but supported by the Planning and Economic Development Department, be received for information.

CARRIED

5. City of Hamilton Purchase of Part of 617-625 Garner Road East, Ancaster, Part of Lot 48 Concession 3 in the Former Geographic Township of Ancaster, from the Ancaster Agricultural Society (PED06370/HES06008) (Wards 8, 11 & 12) (Item 5.5)

(Kelly/Braden)
(a) That an Option to Purchase, executed by Dianne Langs, President; and Kathy Smith, Secretary-Treasurer/Manager; on behalf of the Ancaster Agricultural Society, on June 26, 2006, and scheduled to close on or before December 15, 2006 to purchase the land described as Part of Lot 48, Concession 3, in the former Township of Ancaster, now in the City of Hamilton, as shown on Appendix “A” to Report PED06370/HES06008, with a frontage along Garner Road East of 87.63 metres (287.5 feet), a depth of 79.85 metres (262 feet) comprising an area of 6997.25 square metres (1.714 acres), more or less, to be confirmed by a
forthcoming survey, be approved and completed and the purchase price of $692,000 be charged to Account Number 59259-7400341100 (Capital).

(b) That City Council approve an Authority to Enter Agreement between the Ancaster Agricultural Society (Grantor) and the City of Hamilton (Grantee) for the property municipally known as part of 617-625 Garner Road East, in the former Town of Ancaster, composed of Part of Lot 48, Concession 3, former Township of Ancaster, now in the City of Hamilton, as shown on Appendix “A” to Report PED06370/HES06008.

(c) That subsequent to the purchase, the Mayor and City Clerk be authorized and directed to execute a Short Term Licence Agreement with the Ancaster Agricultural Society to lease back the subject lands identified as part of 617-625 Garner Road East, Ancaster, composed of Part of Lot 48, Concession 3, former Township of Ancaster, now in the City of Hamilton, as shown on Appendix “A” to Report PED06370/HES06008, at a nominal sum of $1 to be credited to Account Number 66110-740010 for a period of one (1) year from the closing of the above sale, or one month prior to the City of Hamilton beginning construction of a new Hamilton Emergency Services (HES) Fire Station on the subject lands.

(d) That the Survey/Technical Services Section complete a survey of the subject lands and delineate the road allowances along Garner Road East and Kitty Murray Lane and charge any Survey Costs to Account Number 59259-7400341100 (Capital).

CARRIED

6. Recommendation to Designate 9 Kinnell Street, Hamilton, Under Part IV of the Ontario Heritage Act (PED06371) (Ward 1) (Item 5.6)
   (Kelly/Braden)
   (a) That the designation of 9 Kinnell Street 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 PED06371, be approved.

   (c) That the City Solicitor be directed to take appropriate action to designate 9 Kinnell Street under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix ‘B’ to Report PED06371.

   CARRIED
7. Recommendation to Designate 317 Dundas Street East, Waterdown, (Memorial Hall) Under Part IV of the Ontario Heritage Act (PED06372) (Ward 15) (Item 5.7) (Kelly/Braden)

(a) That the designation of 317 Dundas Street East, Waterdown (Memorial Hall) 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 PED06372, be approved.

(c) That the City Solicitor be directed to take appropriate action to designate 317 Dundas Street East, Waterdown (Memorial Hall) under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix ‘B’ to Report PED06372.

CARRIED

8. Demolition Permit – 939 Stone Church Road East (PED06373) (Ward 6) (Item 5.8) (Kelly/Braden)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 939 Stone Church Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

9. Demolition Permit – 710 Stone Church Road East (PED06374) (Ward 7) (Item 5.9) (Kelly/Braden)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 710 Stone Church Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

10. Demolition Permit – 1324 Upper Sherman Avenue (PED06375) (Ward 7) (Item 5.10) (Kelly/Braden)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 1324 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED
11. **Demolition Permit – 1328 Upper Sherman Avenue (PED06376) (Ward 7) (Item 5.11)**  
*(Kelly/Braden)*  
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 1328 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of *The Planning Act* as amended.  
CARRIED

12. **Demolition Permit – 594 Waterloo Street (PED06377) (Ward 4) (Item 5.12)**  
*(Kelly/Braden)*  
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 594 Waterloo Street in accordance with By-Law 74-290 pursuant to Section 33 of *The Planning Act* as amended.  
CARRIED

13. **Appointment of Municipal Law Enforcement Officers for Animal Control under By-law No. 01-084 (PED06378) (City Wide) (Item 5.13)**  
*(Kelly/Braden)*  
(a) That the following persons be appointed as Municipal Law Enforcement Officers, pursuant to Section 15(1) of the *Police Services Act*, R.S.O. 1990, Chapter P.15:  

“Susan M. McGrath  
Bradley J. Potts”

(b) That the appointment of the following person as a Municipal Law Enforcement Officer be rescinded:  

“Michael Bain”

(c) That a by-law to amend By-law No. 01-084 accordingly and in the form attached to Report No. PED06378, as Appendix "A", be passed and enacted.  
CARRIED

14. **Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 259-261 Highway No. 8 (Stoney Creek) (PED06351) (Ward 10) (Item 6.1)**  
*(Mitchell/Whitehead)*  
(a) That approval be given to Official Plan Amendment Application OPA-06-08, by 2095534 Ontario Inc., Trebla Properties, owners, for Official Plan Amendment No._______, to the Official Plan for the former City of Stoney Creek, on the lands municipally known as 259-261 Highway No. 8, as shown on Appendix “A” to Report PED06351, on the following basis:
(i) That Schedule “A”, General Land Use Plan, be amended from “Residential” to “General Commercial”; and,

(ii) That Schedule “A1”, Secondary Plan, Western Development Area, be amended from “Low Density Residential” to “General Commercial”.

(b) That approval be given to Zoning Application ZAC-06-39, by 2095534 Ontario Inc., Trebla Properties, owners, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, to change the zoning from the Residential “R6” Zone to the General Commercial “GC-53” Zone in order to permit the development of a commercial plaza, on the lands known municipally as 259-261 Highway No. 8, as shown on Appendix “A” to Report PED06351, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED06351, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.

(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 conforms with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the former City of Stoney Creek upon the approval of Official Plan Amendment No. ____.

CARRIED

15. Applications for a Draft Plan of Subdivision (Parkway Manor Phase 3) and Zoning By-law Amendment for Lands Located at 71 Fortissimo Drive (Hamilton) (PED06357) (Ward 8) (Item 6.2) (Whitehead/Kelly)

(a) That approval be given to Subdivision Application 25T-200507, 1125814 Ontario Ltd. (Paul Silvestri) owner, to establish a draft plan of subdivision comprising five lots for single detached dwellings, two blocks for future development, six 0.3 metre reserve blocks and a partial street dedication, on lands located at 71 Fortissimo Drive, as shown on Appendix “A” to Report PED06357, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06357, 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;

Council – September 27, 2006
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-05-47, 1225814 Ontario Ltd., (Paul Silvestri) owner**, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, to permit the development of five single detached dwellings on separate lots and the future development of two single detached dwellings on separate lots upon additional land assembly, on lands at 71 Fortissimo Drive, as shown on Appendix “A” to Report PED06357, subject to the following:

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

(ii) That the draft By-law, attached as Appendix “D” to Report PED06357, 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 Hamilton Official Plan.

CARRIED

16. **Application for a Further Modification in Zoning for the Property Located at 872 Concession Street (Hamilton) (PED06366) (Ward 6) (Item 6.3)**

(Kelly/Whitehead)

That approval be given to **Zoning Application ZAR-06-014, by John Harvey and Kimberley Leone, owners**, for a further modification to the “D/S-1523” (Urban Protected Residential – One and Two Family Dwellings) District in order to permit a General Office on the ground floor and a Residential unit on the second floor, as well as special regulations for a business sign, for the property located at 872 Concession Street (Hamilton), as shown on Appendix “A” to Report PED06366, on the following basis:

(a) That the draft By-law, attached as Appendix “D” to Report PED06366, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

CARRIED
17. Application for Changes in Zoning for Lands Located at 838 Crooks Hollow Road and 154 Highway No. 8 (Flamborough) (PED06367) (Ward 14) (Item 6.4)

( Braden/McHattie)
That approval be given to Zoning Application ZAC-06-50, John Bozyk, owner, for changes in zoning from the Settlement Residential “R2” Zone to the Settlement Commercial “SC-4” Zone (Block “1”), and to the Conservation Management “CM” Zone (Block “2”), and from the Settlement Commercial “SC-4” Zone to the Conservation Management “CM” Zone (Block “3”) respectively, to facilitate the addition of an 11.3 metre by 88.1 metre parcel of land to the existing commercial property at 154 Highway No. 8, for lands located at 838 Crooks Hollow Road and 154 Highway No. 8 (Flamborough), as shown on Schedule “A” of Appendix “B” to Report PED06367, on the following basis:

(a) That Block “1” be rezoned from the Settlement Residential “R2” Zone to the Settlement Commercial “SC-4” Zone.

(b) That Block “2” be rezoned from the Settlement Residential “R2” Zone to the Conservation Management “CM” Zone.

(c) That Block “3” be rezoned from the Settlement Commercial “SC-4” Zone to the Conservation Management “CM” Zone.

(d) That the draft By-law, attached as Appendix “B” to Report PED06367, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

CARRIED

18. Official Plan Amendment and Change in Zoning for Lands Located at 237 Barton Street East (Hamilton) (PED06362) (Ward 3) (Item 6.5)

( Bratina/Merulla)
(a) That approval be given to Official Plan Amendment Application OPA-06-04, City of Hamilton, owner, for Official Plan Amendment No._______ to the City of Hamilton Official Plan to change the designation from “Industrial” to “Central Policy Area”, to permit a range of uses including health and welfare uses and related uses, on lands municipally known as 237 Barton Street East, shown as Block “1” on Appendix “A” to Report PED06362.

(b) That approval be given to Zoning Application ZAC-06-18, City of Hamilton, owner, to change the zoning from the “K” (Heavy Industry, etc.) District to the “H”-”H” Community Shopping and Commercial, etc. - Holding) District, Modified (Block “4”) from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified (Block “2”) and from the “H” (Community Shopping and
Commercial, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified (Block “3”). The effect of this rezoning will be to permit the proposed development of a rehabilitation and acquired brain injury centre, hospital research and office uses and special regulations to provide flexibility for siting future buildings, as well as to recognize the setbacks of the existing Hamilton Health Sciences General Hospital, for lands located at 237 Barton Street East (Hamilton), as shown on Appendix “A” to Report PED06362, on the following basis:

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

(ii) That Block “2” be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

(iii) That Block “3” be rezoned from the “H” (Community Shopping and Commercial, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

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

(v) That the Draft By-law, attached as Appendix “B” to Report PED06362, as amended by Committee on September 19, 2006, respecting matters relating to the Record of Site Condition, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(vi) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Hamilton Official Plan upon the approval of Official Plan Amendment No. _____.

(vii) That upon finalization of the implementing By-law, the Landsdale Neighbourhood Plan be amended by re-designating Block “1” of the subject lands from “Industrial” to “Civic and Institutional”.

CARRIED

(a) That approval be given to **Subdivision Application 25T-200525, by Orlick Industries c/o David Braley, owner**, to establish a draft plan of subdivision known as “Orlick Aeropark” comprising seven Blocks for industrial uses, one Block for a creek channel, one Block for stormwater management, and the extension of Aeropark Boulevard, on lands located at 2460-2470 Upper James Street (Glanbrook), as shown on Appendix “B” to Report PED06361, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06361, revised by Committee on September 19, 2006, to delete Condition 20, and to re-number the Conditions thereafter, and the following:

i) Acknowledgment that there will be a City share for the stormwater management facility;

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

(b) That approval be given to **Zoning Application ZAC-05-124, by Orlick Industries c/o David Braley, owner**, for a change in zoning from the Airport-Related General Industrial “M4-096” Zone to the Airport-Related General Industrial “M4” Zone (Block “1”); the Airport-Related Prestige Industrial “M3-095” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “2”); the Airport-Related Prestige Industrial “M3-095” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “3”); the Airport-Related Commercial “C5” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “4”); the Airport-Related General Industrial Holding “H-M4-102” Zone to the Airport-Related General Industrial “M4” Zone (Block “5”); the Airport-Related General Industrial Holding “H-M4-102” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “6”); the Airport-Related Commercial Holding “H-C5-103” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “7”); the Airport-Related General Industrial Holding “H-M4-102” Zone to the Open Space - Conservation “OS3” Zone (Block “8”); the Airport-Related Commercial Holding “H-C5-103” Zone to the Open Space - Conservation “OS3” Zone (Block “9”); the Airport-Related Commercial Holding “H-C5-103” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “10”); the Airport-Related General Industrial Holding “H-M4-102” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “11”); the Airport-Related Prestige Industrial Holding “H-M3-101” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “12”); and the Airport “AT” Zone to the Airport-Related General Industrial “M4” Zone (Block “13”), for the lands located at 2460 to 2470 Upper James Street (Glanbrook), as shown on Schedule “A” to Appendix “E” to Report PED06361, on the following basis:
(i) That the draft By-law, attached as Appendix “E” to Report PED06361, 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”, of Zoning By-law No. 464; and,

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

CARRIED

20. City of Hamilton New Standard Form Subdivision Agreement (City Wide) (PED06356) (Item 7.1) (Mitchell/Merulla)

(a) That Item 25 of Report 01-034 of the Committee of the Whole, approved by Council on October 30, 2001 authorizing adoption of the City’s current standard form Subdivision Agreement, be rescinded in its entirety.

(b) That the form and terms of the agreement and its schedules attached as Appendix “A” be adopted by the City as its new standard form Subdivision Agreement for all Planning Act applications approved after September 27, 2006 to subdivide land by plan of subdivision.

(c) That the City may, in its discretion, use the new standard form Subdivision Agreement, attached as Appendix “A”, for any subdivision application previously approved by the City including where only part of the draft plan lands are registered upon receipt of a written request from a subdividing land owner to do so.

(d) That the General Manager of Planning and Economic Development, or her designate, be authorized to make amendments to the standard form Subdivision Agreement, attached as Appendix “A”, without the need for Council approval where such amendments are deemed to be of a “housekeeping” nature, or to reflect changes in municipal policy and organizational structure, provincial legislation or to correct references which have become outdated or obsolete, provided such amendments do not change the intent or principles of the Agreement and are in a form satisfactory to the City Solicitor.

(e) That Section 5.9 of Part 5 of the Agreement, attached as Appendix “A”, being provisions related to backlotted arterial or collector roads, rear yard Planting Strips, be approved in principle but not be required to be implemented until the Department of Planning and Economic Development has developed appropriate design guidelines and consulted with the homebuilding industry.

(f) That the list of standardized conditions for draft plan approval adopted by Council as Item 12(f) in Report 01-033 of the Committee of the Whole on October 16, 2001 be deleted.

CARRIED
21. **Applications for Approval of a Draft Plan of Subdivision "Timothy's Walk" and Change in Zoning for Lands Located at 205 Queensdale Avenue East (Hamilton) (PED06347) (Ward 7) (Item 8.1)** (Whitehead/McHattie)

(a) That approval be given to **Subdivision Application 25T-200528, Frisina Developments Inc., owner**, to establish a draft plan of subdivision comprising of seven lots for single detached dwellings and one block for twenty semi-detached dwellings on a private condominium road, as shown on Appendix "B" to Report PED06347, on lands located at 205 Queensdale Avenue East (Hamilton), subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix "D" to Report PED06347 and the following:

(i) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to replacement of curb and sidewalk on the west side of East 8th Street; 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 Lots 1 to 7. For Block 8, the calculation of Cash-in-Lieu payment shall be based on the density proposed within that block with the value calculated as of the day before the issuance of the first building permit within that 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 **Zoning Application ZAC-05-109, Frisina Developments Inc., owner**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “D/S-1561” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, to permit twenty semi-detached dwellings on a private condominium road, for lands located at 205 Queensdale Avenue East, as shown on Appendix "A" to Report PED06347, on the following basis:

(i) That the lands be rezoned from the “C” (Urban Protected Residential, etc.) District to the “D/S-1561” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;

(ii) That the Draft By-law, attached as Appendix “C” to Report PED06347, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

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

**CARRIED**
22. **Application for a Change in Zoning for Lands Located at 1286 Upper James Street (Hamilton) (PED06345) (Ward 8) (Item 8.2)**

(Whitehead/McHattie)

That approval be given to **Zoning Application ZAC-06-33, Edward Lorne Richter, Ronald Gary Richter and Lowell Elliott Richter, owners**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District and the “AA” (Agricultural) District to the “H” (Community Shopping and Commercial, etc.) District (Block “1”) to permit a dental office, and from the “AA” (Agricultural) District to the “C” – ‘H’ (Urban Protected Residential, etc. – Holding) District (Block “2”) to be developed for future single detached residential purposes for lands located at 1286 Upper James Street (Hamilton), as shown on Appendix “A” to Report PED06345, on the following basis:

(a) That Block “1” be rezoned from the “C” (Urban Protected Residential, etc.) District and the “AA” (Agricultural) District to the “H” (Community Shopping and Commercial, etc.) District.

(b) That Block “2” be rezoned from the “AA” (Agricultural) District to the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District.

(c) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to Block “2”, as shown on Appendix “A”, by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time as:

i) The lands, described as Block “2” on Appendix “A” of this report, have been included within an approved draft plan of subdivision with the abutting northerly and southerly lands with an appropriate, integrated lotting pattern, to the satisfaction of the Manager, Development Planning.

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

(d) That the Draft By-law, attached as Appendix “B” to Report PED06345, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

**CARRIED**
23. Hamilton LACAC (Municipal Heritage Committee) Report 06-002 – Proposed By-law to Prevent Demolition by Decay of Heritage Properties) (Deferred by Committee on September 5, 2006) (Item 8.4) (McHattie/Whitehead)

WHEREAS many Hamilton heritage buildings are deteriorating, due to lack of proper maintenance and enforcement by Property Standards;

AND WHEREAS such inaction leads to 'demolition by decay';

AND WHEREAS the loss of our built heritage weakens the distinctiveness of our community and our sense of attachment to the past;

AND WHEREAS other municipal jurisdictions have by-laws and/or are studying by-laws that would ban demolition through neglect;

THEREFORE BE IT RESOLVED that the Hamilton LACAC (Municipal Heritage Committee) recommends that a by-law to prevent demolition of heritage properties by decay be considered for the City of Hamilton and that Council be advised that staff be directed to conduct the necessary research and analysis with respect to said by-law.

CARRIED


(a) That approval be given to Official Plan Amendment No. ___ to the former City of Stoney Creek Official Plan, attached as Appendix “A” to Report PED06224, to adopt the Nash Neighbourhood Secondary Plan with the following modifications:

(i) Schedule “C” to the OPA shall be replaced with the attached Schedule “C”

(ii) Schedule “D” to the OPA shall be replaced with the attached Schedule “D”

(iii) Policy 13.3.18.15 d) shall be replaced with the following:

The Taro East Quarry/Landfill is identified as Special Policy Area “B” on Schedule “A” and “A3-3”. Full implementation of the Nash Neighbourhood Plan requires the determination and resolution of the alignment of:

i) First Road West, north of Mud Street and the proposed closure of first Road West at Mud Street West; and

ii) Green Mountain Road at Centennial Parkway and the propose closure of Green Mountain Road at Centennial Parkway.
The City of Hamilton shall undertake a Municipal Class EA to determine the feasibility of and requirements for the proposed realignment of the above noted intersections as part of the Upper Centennial Corridor Master Plan.”

(iv) The following additional policy be included:

12.4 Special Policy Area “F”

12.4.1 Special Policy Area “F” as identified on Schedule “A” and “A3-2” may be developed in accordance with the Medium Density Residential policies of the Nash Secondary Plan once the following conditions have been satisfied:

12.4.1.1 The land owner shall submit an Environmental Impact Statement (EIS) to the satisfaction of the City of Hamilton, the Hamilton Conservation Authority, and the Niagara Escarpment Commission, including consultation with the Environmentally Significant Area Impact Evaluation Group (ESAIEG); and

12.4.1.2 The EIS identified in 12.4.1.1 shall demonstrate no negative impacts on the features and functions for which the ESA was designated; and

12.4.1.3 No development or site alteration/land use change shall occur until such time as conditions 12.4.1.1 and 12.4.1.2 are satisfied; and

12.4.1.4 as a condition of implementing the draft plan of subdivision and/or rezoning applications on these lands, the Special Policy Area “F” designation shall be changed by way of a City initiated official plan amendment to reflect the amended development scenario.

(b) That the General Manager, Planning and Economic Development Department, be hereby authorized and directed to prepare the requisite By-law to amend the Official Plan, in a form satisfactory to the City Solicitor, for presentation to Council.

CARRIED
25. Public Notice for Establishment of Group Homes (PED06383) (City Wide) – Referred from Planning and Economic Development Committee of June 20, 2006 (Item 8.6)

(Whitehead/Bratina)
(a) That Building and Licensing staff notify the respective Ward Councillor by email when they are made aware of an expressed interest in a group home in the City.

(b) That the Public Notice for Establishment of Group Homes item referred from Planning and Economic Development Committee on June 20, 2006 be identified as completed and removed from the Planning and Economic Development Committee Outstanding Business List.

CARRIED

26. Site Plan Control Application DA-02-207 - 155 Stone Church Road West - Completion of Incomplete Works (PED06229) (Ward 8) (Item 8.7)

(Mitchell/Bratina)
(a) That staff be authorized and directed to facilitate the partial completion of incomplete works on private property at 155 Stone Church Road West to only the amount of available secured funding plus funding made available from homeowner’s through new home warranty coverage provided by the Tarion Warranty Corporation.

(b) That Public Works staff be authorized and directed to include installation of concrete sidewalk across the frontage of 155 Stone Church Road West as part of the Stone Church Road reconstruction project (Capital Budget Number 4030519101) scheduled for 2007, at a marginal cost of $8,800, including GST, funded from the levy.

(c) That, if requested in writing by Wentworth Condominium Corporation No. 362, the City agrees to amend the Site Plan Agreement to delete the requirement for curbing on the private condominium roadway and the ornamental fencing along Stone Church Road West. Otherwise, these requirements will remain on the title of the lands as an obligation of the Condominium Corporation to complete, at its cost.

CARRIED

27. Kirkwall Rural Settlement Area (Item 8.8)

(Braden/Whitehead)
That the Kirkwall Rural Settlement Area boundary be adjusted to include part of the Walker Property lands between the manse and the existing hamlet boundary on Concession 8 Road to the west of the Rural Settlement Area, as shown on the map attached to this Report as Appendix A

Council – September 27, 2006
(i) That a new Policy be added to Volume 2: Section 3.6 – Kirkwall Rural Settlement Area as follows:

3.6.3.3 The City shall not support any land severance and/or subdivision application to create new lot(s) in the Kirkwall Rural Settlement Area until such time as it has been demonstrated through the appropriate studies on the specific lands to be developed, being an area of approximately 2.5 acres, that they can be adequately serviced by both private water and septic services.

(ii) That existing section Volume 2: Section 3.6.3.3 be renumbered accordingly.

CARRIED

28. Stoney Creek Urban Boundary Expansion (SCUBE) (Item 12.2)
(Mitchell/Whitehead)

(a) That the revised Amendments to the former Region of Hamilton-Wentworth Official Plan (ROPA 14) and the City of Stoney Creek Official Plan (OPA 99), as attached to this Report as Appendix B, be adopted as the City of Hamilton position on the SCUBE lands.

(b) And the Item related to SCUBE be deemed as completed and be removed from the Outstanding Business List.

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 10)

The Clerk advised of the following changes to the Agenda:

- Kirkwall Rural Settlement Area item was referred back to Committee by Council on September 13, 2006. This matter will be added as Item 8.8 of the agenda.

- Added delegation requests were approved as follows;
  - Sergio Manchia, PEIL, respecting SCUBE lands (Item 12.2 on the Agenda)
  - John Bergez, respecting Timothy’s walk, Item 8.1
  - Leonard Varrasso, respecting Timothy’s walk, Item 8.1
  - Adi Irani, respecting Item 7.1
Minor changes to the order of the agenda

Members of Committee approved that agenda as amended.

Chair Pearson took the opportunity to introduce two new Planning Technicians who have recently been hired by the City; Laurielle Brooks and Daniel Barnett.

That Planning & Economic Development Committee agenda, for September 19, 2006, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Planning & Economic Development Committee meeting held on September 5, 2006 were approved, as presented.

(d) Delegations respecting the SCUBE lands (Item 12.2 on the Agenda)

(i) Ed Fothergill, on behalf of Mady Developments advised the Committee that he was in support of the initiative and agreed with the schedule for ongoing studies. He noted that individual applications would be made later. Mr. Fothergill noted his appreciation for the co-operation which had been shown by all parties.

(ii) Mike Miller, Flying J Inc., outlined the background and scope of work that his company undertakes as one of the largest Diesel Distributors in the U.S. Mr. Miller expressed his appreciation and provided a hand-out to the Clerk for the public record.

(iii) Jim Harbell, Stykeman, Elliott, noted that he would be filing a Protective O.M.B. appeal but that they would to starting in the spring.

(iv) Sergio Manchia, PEIL, on behalf of Avatar, addressed Committee and expressed his satisfaction with the agreed work program. He noted that he expected the Environmental Assessment for Transportation be completed by the end of December as his client wished to proceed with his development applications in January 2007. He requested that it be
recorded that if he could not proceed by January 2007, he would be speaking again to Committee.

(e) Janet Hillen Respecting Need for funded space for the Beasley Neighbourhood Community Centre (approved by Committee in November 15, 2005) (Item 6.8)

Ms. Janet Hillen made a PowerPoint presentation to members of Committee regarding the lack of City funded programs in the Beasley Neighborhood. She noted the importance of providing local, accessible and affordable programming to the residents of the Beasley Community. She urged the City to be proactive regarding the Community Centre. Ms. Hillen provided a copy of her presentation for the public record.

A discussion ensued. Members of Committee noted that while there were initiatives underway, that more needed to be done, particularly regarding community building

The Committee received the presentation.

Chair Pearson thanked the speaker.

(f) Anthony and Janice Tomkins, 4 Thorpe Street, Dundas, respecting parking problems and other associated matters on Thorpe Street. (approved by Committee, September 5, 2006) (Item 6.9)

Mr. Anthony Tomkins and Mrs. Janice Tomkins addressed Committee regarding parking concerns on their street. They explained that the City had approved their application to have “No-Parking” Signs placed on their street but that this later had been rescinded. They requested that “No-Parking” signs be erected on their street.

Mary Hazell, Manager, Hamilton Municipal Parking, advised that the Ward Councillor has held meetings with the area businesses, and as a result, was not in support of the application.

On a motion moved by Councillor Merulla and seconded by Councillor McHattie, the Committee received the presentation.

(g) Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 259-261 Highway No. 8 (Stoney Creek) (PED06351) (Ward 10) (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.

Paul Moore outlined the report to Committee.

Bill Sears, the applicant’s agent, addressed Committee in support of the staff recommendation.

Councillor McHattie asked for further information regarding the possibility of developing the property for mixed use, by providing residential unit on the second floor.

Councillor Braden asked how the City could encourage developers to bring forward this type of development.

Mr. Sears noted that his client had not expressed an interest in second floor residential as the development was intended to fit in with the existing, lower rise characters of the area. Mr. Sears agreed that mixed-use development was a positive concept and that he would be pleased to discuss this further with the Councillors.

Bev Sayers, 10 Norwich Road, addressed Committee. She expressed general support for the development but concerns if the building was to be more than one storey in height. She explained that the surrounding houses were predominantly one storey.

Paul Moore advised that the application submitted was for a one floor building but that Zoning By-law allowed for a three story building. He confirmed that applications to change the height could be made at a later date.

Committee approved the staff recommendation.

Applications for a Draft Plan of Subdivision (Parkway Manor Phase 3) and Zoning By-law Amendment for Lands Located at 71 Fortissimo Drive (Hamilton) (PED06357) (Ward 8) (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.

Scott Baldry outlined the report to Committee.
Angelo Cameracci, the applicant’s agent, addressed Committee in support of the staff recommendation.

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

Councillor Whitehead asked for an update on the South Mountain Transportation Study. He explained that West 5th is used as an urban road even though it is a rural cross section.

Ed Switenky responded that the sewers on West 5th must be installed before the road can be upgraded.

Committee approved the staff recommendation as presented.

(i) Application for a Further Modification in Zoning for the Property Located at 872 Concession Street (Hamilton) (PED06366) (Ward 6) (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.

Danielle Fama outlined the report to Committee.

Sergio Manchia, the applicant’s agent, 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

(j) Application for Changes in Zoning for Lands Located at 838 Crooks Hollow Road and 154 Highway No. 8 (Flamborough) (PED06367) (Ward 14) (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.

Jason Thompson outlined the report to Committee.
James Webb, the applicant’s agent, 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

(k) **Official Plan Amendment and Change in Zoning for Lands Located at 237 Barton Street East (Hamilton) (PED06362) (Ward 3) (Item 6.5)**

A Public Meeting was held.

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

Edward John outlined the report to Committee and explained a minor change to the proposed by-law with regard to the Record of Site Condition.

John Martin, the applicant’s agent, addressed Committee in support of the staff recommendation.

Committee approved the staff recommendation

(l) **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 6.6)**

A Public Meeting was held.

Chair Pearson advised that an additional submission had been received from Angelo Cameracci on behalf of Vito Sgro, requesting a deferral of the decision.

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.

Jason Thompson outlined the report to Committee.

Steve Fraser, the applicant’s agent, addressed Committee in support of the staff recommendation. He noted that the application had been in progress for a while and requested consideration under Section 51 (44) of the Planning Act, regarding the transition from the current Subdivision Agreement to the ‘new’ Subdivision Agreement. Mr. Fraser explained that the proposal represented good infill
development, in accord with Provincial and City policies. He asked Committee not to defer the approval.

Allan McDonald, 10 Eleanor Avenue noted a concern that Eaglewood Road was not shown as going through to Eleanor Avenue and asked if the City could continue the road, as shown on the neighborhood plan.

Staff advised that the intention was to have that road go through to Eleanor Avenue but the land in question was privately owned and no development proposal has been submitted yet.

Angelo Cameracci spoke on behalf of his client Mr. Vito Sgro. Mr. Cameracci asked the Committee to defer the application until such time as the servicing issues can be resolved.

Adi Irani, A.J. Clarke, explained that the original neighborhood plan had been stalled for various reasons but that his client was now ready to proceed. He asked the Committee to approve the development.

Councillor Whitehead noted the importance of involving the public during the development of the Neighborhood Plan. He advised that he would be supporting the deferral of this application.

Councillor Kelly noted the importance of moving ahead with the development but recommended a two week deferral in order to allow all parties to discuss the issues, in particular the servicing.

Committee approved a two week deferral of the application.

(m) Application for Approval of a Draft Plan of Subdivision, “Orlick Aeropark”, and a Change in Zoning for 2460-2470 Upper James Street (Glanbrook) (PED06361) (Ward 11) (Item 6.7)

A Public Meeting was held.

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

Joe Muto outlined the report to Committee and explained the minor changes being proposed to the recommendation, specifically the elimination of the need for an environmental assessment.

Steve Fraser, the applicant’s agent, 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

(n) City of Hamilton New Standard Form Subdivision Agreement (City Wide) (PED06356) (Item 7.1)

Tim McCabe, Director of Development Planning introduced the item. Mr. McCabe thanked staff and all the industry representatives for their work in developing a new standard form and format for Sub-Division Agreements.

Mark Inrig, Senior Development Analyst, made a PowerPoint presentation to members of Committee regarding the new format respecting Sub-division Agreements.

Adi Irani advised that the Hamilton-Halton Homebuilders Association whole heartedly supports the new format for Subdivision Agreements. He thanked Tim McCabe and his staff for all of their efforts in producing this new agreement. He encouraged members of Committee to approve the new format.

Committee approved the staff recommendation.

(o) Applications for Approval of a Draft Plan of Subdivision "Timothy's Walk" and Change in Zoning for Lands Located at 205 Queensdale Avenue East (Hamilton) (PED06347) (Ward 7) (Item 8.1)

Chair Pearson advised that an additional communication had been received and distributed by Dr. Richard Csiernik.

John Bergez played a video for members of Committee regarding a news brief in Kitchener which highlights the lack of parking spaces in sub-divisions and the problems that can result from this.

Len Varrasso addressed Committee and explained his continuing concerns, particularly with regard to the parking issues. He requested Committee to deal with this problem now and approve extra parking spaces.

Richard Skibinski, solicitor for the agent addressed Committee in support of the application.

Committee discussed the design and parking issues and had information supplied by staff with regard to the possible outcome of removing one of the semi-detached buildings and its replacement by additional parking.

Councillor Kelly introduced the following amendment;
(i) That the number of multiple residential units in the development be reduced by one, from 20 to 19.

(ii) And that staff be directed to bring forward a revised by-law and draft plan of subdividing to Council.

The amendment to the recommendation lost on a tie vote as follows;

**Yea**s: Bratina, McHattie, Mitchell, Kelly

**Nay**s: Pearson, Braden, Merulla, Whitehead

The Committee then approved the original staff motion.

Councillor Kelly requested that his opposition be noted.

(p) **Application for a Change in Zoning for Lands Located at 1286 Upper James Street (Hamilton) (PED06345) (Ward 8) (Item 8.2)**

David Falletta advised that discussions had taken place with Councillors regarding the proposal and that no changes were being proposed to the staff recommendation.

Committee approved the staff recommendation.

On a motion brought forward by Councillor McHattie and seconded by Councillor Whitehead, the Committee approved the following:

That using creative planning concepts, staff be requested to prepare a strategy for the achievement of mixed use and higher intensification in nodes and along corridors, including, but not limited to the Upper James area, and report back to Committee as soon as possible.

(q) **Recommendation to Designate 191 Barton Street East, Hamilton, Under Part IV of the Ontario Heritage Act (PED05197) (Ward 2) (Item 8.3)**

Councillor McHattie noted that discussions with the parties are ongoing and suggested that the matter be deferred until the next meeting and that representatives from Mark Preece House and HHS be invited to appear.

Committee deferred the matter until the October 3, 2006 meeting.
 Hamilton LACAC (Municipal Heritage Committee) Report 06-002 – Proposed By-law to Prevent Demolition by Decay of Heritage Properties) (Deferred by Committee on September 5, 2006) (Item 8.4)

Committee approved the recommendation.

Councillor Bratina asked staff to address and include in their report the issue regarding the difficulty of current compliance under the use of the Property Standards By-law.

 NASH Neighbourhood Official Plan Amendment, Secondary Plan (PED06224) (Ward 9) (deferred by Committee on August 8, 2006) (Item 8.5)

Councillor Bruckler advised Committee that discussions had been held in his Ward and that the open space issues and transportation concerns had been addressed in the revisions proposed by staff.

Brenda Khes confirmed that the changes had been made to the document and that the revised recommendation had been distributed to members of Committee this morning.

Committee approved the staff recommendation as amended.

 Public Notice for Establishment of Group Homes (PED06383) (City Wide) – Referred from Planning and Economic Development Committee of June 20, 2006 (Item 8.6)

Tom Redmond advised Committee that he had consulted with the City of Burlington regarding their Group Home Register. He noted that Burlington was the only municipality who kept such a register and that following legal advice, staff is not recommending that Hamilton proceed in this way. He explained the staff recommendation is to notify the Ward Councillor when a Group Home is being proposed in an area and possibly to hold a public information session. Mr. Redmond cautioned Committee that even if a negative response was received, Council could not refuse a Group Home where these are authorized by the Province.

Committee approved the staff recommendation.

 Site Plan Control Application DA-02-207 - 155 Stone Church Road West - Completion of Incomplete Works (PED06229) (Ward 8) (Item 8.7)

Tony Sergi provided the background to this report explaining that the developer had gone bankrupt leaving various unfinished works on the subject property. The
City needs to consider how to protect itself in the future regarding this type of event.

Committee discussed the matter in detail and had additional information provided by staff.

Councillor Whitehead, seconded by Councillor Merulla, proposed the following amendment:

That Recommendation C from the staff report which currently reads as follows;

That, if requested in writing by Wentworth Condominium Corporation No. 362, the City agrees to amend the Site Plan Agreement to delete the requirement for curbing on the private condominium roadway and the ornamental fencing along Stone Church Road West. Otherwise, these requirements will remain on the title of the lands as an obligation of the Condominium Corporation to complete, at its cost.

Be deleted and replaced with Option 2 from the Alternative Options Section of report PED06229 as follows;

Completion of all incomplete works on private property in accordance with the Site Plan Agreement and the City makes up the shortfall of $30,200 funded from the Unallocated Capital Levy Reserve;

The amendment lost on a standing recorded vote:

**Yeas:** Merulla, Whitehead

**Nays:** Pearson, Braden, Bratina, Mitchell

**Absent:** McHattie

The Committee approved the staff recommendation.

(v)  **Kirkwall Rural Settlement Area (Item 8.8)**

Councillor Braden explained that a modest increase had been proposed in the Kirkwall area. While staff consider that a new Settlement Area Capability Study is required prior to any development, he considered that studies are only needed for the approximately 2.5 acres proposed for development in the near future.
On a motion by Councillor Braden, seconded by Councillor Whitehead, Committee approved a motion regarding the expansion of Kirkwall.

(w) MOTIONS (Item 9)

None

(x) NOTICES OF MOTIONS (Item 10)

None

(y) GENERAL INFORMATION

11.1 Applicability of Idling By-law to boats (from Outstanding Business List, due September 19, 2006)

Paul Mason explained that this matter had arisen as part of the discussion on the Idling By-law. Staff investigation had concluded that the regulation of boats is within the Federal Government’s jurisdiction and the municipality cannot therefore interfere.

On a motion (Mitchell/Whitehead), the matter was removed from the Outstanding Business List.

11.2 Grading and flooding at San Diego Court (from Outstanding Business List, due September 19, 2006)

Tony Sergi addressed Committee and explained that discussions are ongoing with applicant and our legal staff. He will be bringing a report forward to Committee on October 3, 2006.

11.3 Brownfields Parkland dedication policy (from Outstanding Business List, due September 19, 2006)

Staff advised that a report would be on the Committee agenda for October 3, 2006.

11.4 Greenbelt Regulations

Councillor Mitchell asked a number of questions regarding the impact of the Greenbelt Regulations on un-finished culs-de-sac. Staff agreed to discuss this with the Councillor.
11.5 Catch Basins

Councillor Whitehead asked a number of questions regarding the design of catch basins including the use of steep grading and retaining walls.

Tony Sergi offered to meet with the Councillor to discuss this further.

11.6 Enforcement

Councillor Braden noted a problem regarding a house in his Ward where staff is attempting to enforce the Property Standards By-law. He questioned the lack of consistency regarding the enforcement of these standards and noted how the standards are not enforced in downtown Hamilton. The Councillor requested that the City Manager investigate the matter.

(z) PRIVATE AND CONFIDENTIAL

On a motion (Mitchell/Bratina), Committee moved In-camera to consider matters currently before the Ontario Municipal Board and to receive Legal advice.

On a motion, (Braden/McHattie), Committee resumed in open session.

12.1 Update regarding Matters Presently before the Ontario Municipal Board (No Copy)

Chair Pearson advised that Committee had met In-Camera and that there was no report from this session.

12.2 Update regarding SCUBE (Stoney Creek Urban Boundary Expansion) presently before the Ontario Municipal Board (no copy)

Councillor Mitchell advised that the SCUBE matter had been discussed and legal advice received.

The Committee approved a motion (see Item 28) on a standing recorded vote as follows;

**Yeas:** Pearson, McHattie, Merulla, Mitchell, Whitehead

**Nays:** Braden, Bratina

**Absent:** Kelly
(aa) ADJOURNMENT
(Bratina/Kelly)
On a Motion, Committee adjourned at 2.25 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-coordinator
Planning and Economic Development Committee
September 19, 2006