Present: Chair M. Pearson
Vice Chairs, Councillors: B. Bratina, L. Ferguson,
Mayor Eisenberger
Councillors: B. Clark S. Duvall, B. McHattie D. Mitchell, R. Pasuta,
T. Whitehead

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
T. Sergi, B. Janssen, M. Hazell, J. Hickey-Evans, P. De Iulio,
B. Khes, R. Marini, H. Travis, S. Robichaud, T. Lee, E. John,
C. Thomas, K. Mihaljevic, B. Montgomery

J. Stephen, T. McKenna-Public Works
A. Rawlings, M. Meyer – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Waterdown Business Improvement Area (B.I.A.) Revised Board of
Management (PED07127(d)) (Ward 15) (Item 5.1)

(Mitchell/Duvall)
That the following individual be appointed to the Waterdown B.I.A.’s Board of
Management:
▪ Wilf Arndt

CARRIED

2. Demolition Permit – 3233 Hall Road (Glanbrook) (PED09173) (Ward 11)
(Item 5.2)

(Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a
demolition permit for 3233 Hall Road (Glanbrook) in accordance with By-Law 08-
226 pursuant to Section 33 of The Planning Act, as amended.

CARRIED

Council – July 9, 2009
3. Demolition Permit – 30 Ravina Crescent (Ancaster) (PED09174) (Ward 12) (Item 5.3)

(Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a demolition permit for 30 Ravina Crescent (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

CARRIED

4. Demolition Permit – 1091 Mineral Springs Road (Ancaster) (PED09176) (Ward 14) (Item 5.4)

(Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a demolition permit for 1091 Mineral Springs Road (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:
(a) That the applicant has applied for and received a building permit for a replacement building on this property;

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

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

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

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

CARRIED

5. Demolition Permit – 631 South Townline Road (Stoney Creek) (PED09177) (Ward 11) (Item 5.5)

(Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a demolition permit for 631 South Townline Road (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

CARRIED

6. Demolition Permit – 201 South Bend Road (PED09178) (Ward 7) (Item 5.6)

(Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a demolition permit for 201 South Bend Road in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;
(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

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

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

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

CARRIED

7. Demolition Permit – 43 Community Avenue (Stoney Creek) (PED09179) (Ward 10) (Item 5.7)

(Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a demolition permit for 43 Community Avenue (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

CARRIED

8. Enterprise Zone Grant Program – 232 Cannon Street East (PED09195) (Ward 3) (Item 5.8)

(Mitchell/Duvall)
(a) That, as per the requirement of the Enterprise Zone Grant Program, Council declare that the proposed demolition of 232 Cannon Street East and the proposed construction of a retail/office building are in conformity with the Downtown and Community Renewal Community Improvement Plan including its goals and objectives.

(b) That Application EZ09/01 for 232 Cannon Street East for the construction of a retail/office building be approved as an eligible project under the Enterprise Zone Grant Program.

CARRIED
9. Enterprise Zone Grant Program - Application for 193-197 James Street North, Hamilton EZ09/02 (PED09196) (Ward 2) (Item 5.9)

(Mitchell/Duvall)
That Application EZ09/02 for 193-197 James Street North be approved as an eligible project under the Enterprise Zone Grant Program for the conversion of an existing lodging house located on the second and third levels to studios and offices, and the redevelopment of the existing ground level retail.

CARRIED


(Bratina/Ferguson)
(a) That the request for a grant in the amount of $150,000 under the Hamilton Heritage Property Grant Program for stabilization work on the Tivoli Theatre at 108-114 James Street North be denied as the amount requested is in contravention of the Council-approved policy.

(b) That if the applicant is prepared to amend their application requesting a grant in the amount of $78,250 that represents 25% of the estimated cost of $313,000 for the stabilization work, staff will endorse the revised amount and recommend that the application as amended be approved in accordance with the terms and conditions of the Hamilton Heritage Property Grant Program.

(c) That upon approval of sub-section (b) above staff be authorized and directed to prepare and execute the Letter of Understanding with the applicant with such Letter of Understanding being in a form satisfactory to the City Solicitor.

(d) That the total grant with respect to sub-section (b) in the amount of $78,250 be charged to Dept. ID 58201-815025 with funding coming from the Main Street Reserve (101048).

(e) That a condition of the grant commitment for the stabilization work be that all building and planning requirements including heritage permits be obtained for the proposed work or the grant will be cancelled.

(f) That Report PED09197 be forwarded to the Hamilton Municipal Heritage Committee as information.

CARRIED
11. Demolition Permit – 130 Watercrest Drive (Stoney Creek) (PED09191) (Ward 12) (Item 5.11)

(Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a demolition permit for 130 Watercrest Drive (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

CARRIED

12. Hess Village Community Liaison Committee (PED09127(a)) (Wards 1 & 2) (Item 5.12)

(Mitchell/Duvall)
(a) That Council endorse the draft Terms of Reference for the Hess Village Community Liaison Committee, attached as Appendix A to Report PED09127(a), and direct staff to report back to the Economic Development and Planning Committee on the final Terms of Reference once the Community Liaison Committee has been provided an opportunity for input into the Terms of Reference.
(b) That staff be directed to report back in January 2011 on the effectiveness of the Hess Village Community Liaison Committee, at which time the term of the Hess Village Community Liaison Committee will expire unless directed otherwise by Council.

(c) That the 2010 operating cost in the amount of $20,000 for a facilitator and stenographer for the Hess Village Community Liaison Committee be referred to the 2010 Operating Budget for approval.

CARRIED

13. Community Smog Plan
   (Eisenberger/Clark)
   That the following item, from the Clean Air Hamilton Report, be forwarded to Public Health staff, for a report to the Board of Health;

   That the City consider Undertaking a community smog plan to increase communication on smog days to vulnerable members of the community such as encourage physicians to caution patients with respiratory or cardiac difficulties to take special precautions on smog days and smog advisory days.

14. 2008 Clean Air Hamilton Progress Report (PED09144) (City Wide) (Item 6.1)
   (Mitchell/Ferguson)
   That Report PED09144 respecting the 2008 Clean Air Hamilton Progress Report be received for information.

CARRIED

15. Amendments to the City of Hamilton Licensing Code By-Law No. 07-170
   (PED08117(a)) (City Wide) (Item 6.3)
   (Bratina/Mitchell)
   (a) That the technical and housekeeping changes to the City of Hamilton Licensing By-law No. 07-170, detailed in the proposed amending by-law attached as Appendix ‘A’ to Report PED08117(a), be approved.

   (b) That the proposed amending by-law attached as Appendix ‘A’ to Report PED08117(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED
16.  Hamilton Municipal Heritage Committee Report 09-003 (Item 8.5)

(Ferguson/McHattie)
(a) All Saints Church and Rectory, 15 Queen Street South, Hamilton (Item 1)

Whereas the Hamilton Municipal Heritage Committee is established under Part IV of the Ontario Heritage Act to advise and assist Council on matters under Parts IV and V of the Ontario Heritage Act; and

Whereas the Hamilton Municipal Heritage Committee has considered a preliminary cultural heritage evaluation of All Saints Church located at 15 Queen Street South, Hamilton hereto attached as “Appendix A”; and

Whereas the property is believed to be of cultural heritage value or interest according to Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest; and

Whereas non-designated heritage property may be included in the Municipal Register of Properties of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act where it is believed that such property is of cultural heritage value or interest;

Now therefore that the property known generally as All Saints Church and Rectory located at 15 Queen Street South, Hamilton be included in the Municipal Register of Properties of Cultural Heritage Value or Interest; and

Furthermore, that staff be directed to undertake a Cultural Heritage Assessment of All Saints Church and Rectory located at 15 Queen Street South, Hamilton with a view to prospective designation and that such work be placed in staff’s work program for completion in 2009 or early in 2010 and that appropriate changes be made to the priorities and work program for remaining years 2009 to 2012.

CARRIED

17.  Application for Approval of a Draft Plan of Vacant Land Condominium “Kitty Murray Woods” for Lands Located at 7-67 Butternut Grove Lane and 3-43 Black Walnut Crescent, (formerly 149 Stonehenge Drive) (Ancaster) (PED09187) (Ward 12) (Item 6.4)

(Mitchell/Bratina)
That approval be given to Condominium Application 25CDM-200813, “Kitty Murray Woods”, Stonehenge Development Services Limited, Owner, to establish a draft plan of condominium (Vacant Land Condominium) to create 36 units (condominium lots) for single detached dwellings. The internal roadways,
storm water management pond, visitors’ parking spaces, entrance feature and landscaped areas, shown as Block “1” (Appendix “B”), will be developed as common element features on lands located on the south-east corner of Kitty Murray Lane and Stonehenge Drive, to be known municipally as 7-67 Butternut Grove Lane and 3-43 Black Walnut Crescent, (formerly 149 Stonehenge Drive), Ancaster, as shown on Appendix “A” to Report PED09187, 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 October 21, 2008, showing the following condominium elements: 36 units for single detached dwellings, and one block for common elements, which include 6 metre wide internal roadways, storm water management pond and associated features, visitors’ parking spaces, entrance feature and landscaped areas, attached as Appendix “B” to Report PED09187.

(b) That the Final Plan of Condominium complies with all applicable provisions of Zoning By-law No. 87-57, as amended by By-law 08-016.

(c) That the Final Plan of Condominium comply in all respects, including finalization of Site Plan Approval (DA-08-021), related to this development, to the satisfaction of the Director of Planning, Planning and Economic Development Department.

(d) That the Owner shall enter into a Development Agreement:

(i) To construct the condominium roads, storm water management pond and visitors’ parking areas, to the satisfaction of the Director of Development Engineering, Planning and Economic Development Department; and,

(ii) To ensure that each of the proposed units have tied parcels to the common elements areas, to the satisfaction of the City Solicitor.

(e) That the Owner agrees to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes, to the satisfaction of the Director of Planning, Planning and Economic Development Department.

(f) That the Owner shall include the following warning clause in the Condominium Agreement and in all Offers of Purchase and Sale, and Rental or Lease Agreements, to the satisfaction of the Director of Operations and Maintenance, Public Works Department:
“Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium roads.”

(g) That the Owner shall agree to enter into a Private Road Agreement, prior to registration, if City Waste Management services are deemed to be necessary for the removal of garbage and recyclables for the condominium corporation, to the satisfaction of the Director of Waste Management, Public Works Department.

(h) That the Owner shall include in all Offers of Purchase and Sale and Rental or Lease Agreements, a statement that advises the prospective purchaser/tenant of the following matters pertaining to Canada Post:

(i) That the home/business mail delivery will be from a designated Centralized Mail box; and,

(ii) That the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.

(i) That the Owner further agrees to satisfy the following requirements of Canada Post:

(i) Install concrete pad in accordance with the requirements of, and locations to be approved by Canada Post, to facilitate the installation of Community Mail Boxes;

(ii) Identify the pads above on the engineering service drawings. The pads are to be poured at the same time of the sidewalk and/or curb installation within each phase of the plan of condominium; and,

(iii) Determine the location (adjacent to Units 17 or 20) of all centralized mail facilities in accordance with Canada Post, and to post the location of these sites on appropriate maps, information boards, and plans.

(j) That the Owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

CARRIED

18. Applications for Approval of a Draft Plan of Subdivision “Adam Estates”, and Amendments to the Hamilton Official Plan and Zoning By-law No. 6593, for
Property Located at 201 Lorenzo Drive and 1151 Upper James Street (Hamilton) (PED09181) (Ward 7) (Item 6.5)

(Duvall/McHattie)

(a) That approval be given to Amended Subdivision Application 25T-200719 by 1649404 Ontario Inc. (A. DiSilvestro) and 814904 Ontario Inc. (Orvin Zendel), Owners, to establish a draft plan of subdivision on lands located at 201 Lorenzo Drive (formerly 30 Limeridge Road East) and 1151 Upper James Street (Hamilton), as shown on Appendix “A” to Report PED09181, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-200719, prepared by Urbex Engineering Limited, and certified by A.T. McLaren, O.L.S., dated February, 2009, showing 108 lots (Lots 1-108) for single detached dwellings, 1 block for a pedestrian walkway and watermain easement (Block 109), a sewer and water easement over Lots 84 and 85, and the creation of 2 new public streets (Streets “A” and “B”), attached as Appendix “D” to Report PED09181, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “G” to Report PED09181;

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

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1-108) within this plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit;

(iv) That prior to registration of the final plan of subdivision, the Owner will be required to pay their proportionate share of the actual cost, less over-sizing, for existing sewers, watermains, and roads on Lorenzo Drive adjacent to Street “A” and Lots 1 to 10, and 108, inclusive, on the draft plan (Appendix “D”), which has a total frontage along Lorenzo Drive of 152.679m. The cost recovery from the Owner of “Adam Estates” for the works completed under best efforts for the Jerome Estates subdivision (25T-200317), as of May 5, 2009, has been calculated to be $248,051.79. This recoverable amount is subject to change, and will be updated based on current cost indexing at such time the payment is made to the City;

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

Council – July 9, 2009
(b) That approval be given to **Amended Official Plan Amendment Application, OPA-07-027, by 1649404 Ontario Inc. (A. DiSilvestro) and 814904 Ontario Inc. (Orvin Zendel), Owners**, to amend Schedule “A”, Land Use Concept from “Residential” to “Commercial”, on lands located at 1151 Upper James Street, as shown on Appendix “A” to Report PED09181, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED09181, be adopted by Council.

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

(c) That approval be given to **Amended Zoning Application ZAC-07-095 by 1649404 Ontario Inc. (A. DiSilvestro) and 814904 Ontario Inc. (Orvin Zendel), Owners**, for changes in zoning from the “AA” (Agricultural) District and the “C/S-1500” (Urban Protected Residential) District, Modified, to the “R-4” (Small Lot Single Family Detached) District, Modified, and the “C” (Urban Protected Residential) District, Modified, in order to permit the development of a residential subdivision, consisting of 108 single detached dwelling lots (Blocks 2, 3 and 4), for lands located at 201 Lorenzo Drive; and, for a change in zoning from the “AA” (Agricultural) District to the “HH” (Restricted Community Shopping and Commercial) District, to permit commercial development for a 0.73 hectare parcel (Block 1), located at 1151 Upper James Street, as shown on Appendix “A” to Report PED09181, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09181, 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 Map E-9b of Zoning By-law No.6593; and,

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Hamilton Official Plan upon approval of OPA No. __.

(d) That upon finalization of the implementing By-law, the Jerome Neighbourhood Plan be amended by removing the reference to “Larger Lots” of the “Single and Double Residential” designation.

**CARRIED**
19. Application to Amend Ancaster Zoning By-law No. 87-57 for the Lands Located at 431 Kitty Murray Lane (Ancaster) (PED09182) (Ward 12) (Item 6.6)

(Ferguson/Duvall)
That approval be given to Zoning Application ZAR-09-011, by Claudio Cavalieri, Applicant, for a change in zoning from the Agricultural “A” Zone, to the Existing Residential “ER-588” Zone, with a Special Exception, in order to permit the creation of a new lot for a single detached dwelling, and to retain the existing single detached dwelling on the remaining lands, located at 431 Kitty Murray Lane, as shown on Appendix “A” to Report PED09182, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09182, 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, the Town of Ancaster Official Plan, and the Meadowlands Neighbourhood III Secondary Plan.

CARRIED

20. Application for a Change in Zoning for Lands Located at 236 Parkside Drive (Flamborough) (PED09194) (Ward 15) (Item 6.7)

(Mitchell/Duvall)
That approval be given to Zoning By-law Application ZAR-09-012, by Michael Murray, Owner, for a change in zoning from the Urban Residential (Single Detached) “R1-6” Zone, to the Urban Residential (Single Detached) “R1-1” Zone, with a Special Exception, to facilitate the construction of a single detached dwelling on a lot to be severed from the subject lands, located at 236 Parkside Drive (Flamborough), as shown on Appendix “A” to Report PED09194 on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09194, 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 Town of Flamborough Official Plan.

CARRIED
21. Applications for Approval of a Draft Plan of Subdivision Revision, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57 and 05-200, for Lands Located at 625 Garner Road East (Ancaster) (PED09186) (Ward 12) (Item 6.8) (Eisenberger/Whitehead) – as amended

(a) That approval be given to Subdivision Application 25T-200711(R), by Mattamy (Southcote) Limited, Owner, to establish a draft plan of subdivision on the property located at 625 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED09186, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision Revision, 25T-200711(R), prepared by Mattamy Homes, and certified by S.D. McLaren, O.L.S., dated May 25, 2009, showing 24 blocks (Blocks 7-12, 14, 17-26, 28-30, 32-34 and 36) for single detached dwellings, and as amended by Committee on July 6, 2009, to specify that a maximum of 68 (sixty-eight) 9.0m – 10.5m wide lots shall be permitted, 5 blocks for townhouses (Blocks 1 and 3-6), 1 block (Block 13) for a parkette, 1 block (Block 31) for storm water management, 3 blocks for public walkways (Block 16, 27 and 35), 3 blocks for road widenings (Blocks 2, 37 and 38), 1 institutional block (Block 15) and the creation of 4 new streets (Webb Court, Knightrider Drive, Ohara Lane, and Cranston Street), 1 block for a 1 foot reserve (Block 39), and the extension of Roelfson Drive, Barnacle Crescent, and Moorland Crescent, attached as Appendix “B” to Report PED09186, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “G” to Report PED09186;

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

1. The City agrees to pay its share of costs for the construction of surface and underground works required along the park frontage (Block 13). For surface works, the City share shall be based on the New Road Servicing Rate.

2. The City will pay 50% of the cost of the chain link fence required between residential lots and the lands being transferred to the City as parkland in accordance with the current financial policy.

3. The City agrees to pay the difference in price in order to construct the board on board privacy fence abutting 661 Garner Road East. The Owner’s contribution towards the privacy fence shall be
equivalent to the cost of a 1.5 metre high black vinyl chain link fence.

4. The City agrees to pay for the stormwater management facility from an approved Capital Budget Source. Cost sharing by the City shall be based on as-constructed costs, including lands, to an upset limit of $581,840.00, as approved by the City following completion of the pond.

5. The City will pay 50% of the cost of top coarse asphalt required on Kitty Murray Lane in accordance with the current financial policy.

6. The City agrees to pay its share of costs of the Garner Road / Kitty Murray Lane intersection improvements. The Owner’s contribution towards the Garner Road / Kitty Murray Lane intersection improvements shall be $20,000.00, plus any costs deemed to be temporary. Where construction of Works proceeds prior to Capital Budget approval and allocation of funding for the City’s Share, such costs shall be identified and paid by the Owner at the time of construction, and;

(iii) That the partial dedication of land and payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act. The conveyance of the required lands will be concurrent with the registration of the Plan for the dedication of the lands prior to registration. 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 draft approval, and be paid prior to the registration of the plan;

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 Official Plan Amendment Application OPA-09-001, by Mattamy (Southcote) Limited, Owner, to amend Map “1”, Meadowlands Neighbourhood III Secondary Plan, from “Low Density Residential 2” to “Medium Density Residential”, from “Low Density Residential 2” to “Low Density Residential 3”, from “Low Density Residential 2” and “Parkette” to “Institutional”, and from “Low Density Residential 2” to “Parkette”, and to amend the table in Subsection 6.6.6 (d) to create a new designation “Low Density Residential 3” with a prescribed Minimum Frontage of “9.0m”; and, to delete Subsections (a) and (b), from Subsection 6.6.9, on lands located at 625 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED09186, on the following basis:
(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED09186, be adopted by Council.

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

(c) That approval be given to Zoning Application ZAC-09-002, by Mattamy (Southcote) Limited, Owner, in order to repeal By-laws 08-147 and 08-148 in their entirety, and to provide for changes in zoning from the Public “P” and “P-391” Zones to the Residential “R4-589” Zone for Block 1, to the Residential “R4-590” Zone for Block 2, to the Residential “R4-591” Zone for Block 3, to the Residential “R4-592” Zone for Block 4, to the Residential Multiple “RM2-593” Zone for Block 5, to the Residential Multiple “RM2-594” Zone for Block 6, and to the Residential “R4-595” Zone for Block 7, as shown on Schedule “A” to Appendix “C”; and to the Neighbourhood Park (P1) Zone for Block 3, to the Institutional (I1, 21) Zone for Block 4, to the Open Space (P4) Zone for Block 1, and to the Conservation/Hazard Lands (P5) Zone for Block 2, as shown on Schedule “A” of Appendix “D” to Report PED09186, for lands located at 625 Garner Road East, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09186, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on July 6, 2009, respecting specified landscaping areas for the small lot singles, and a maximum of 68 small lot singles, be enacted by City Council.

(ii) That the amending By-law be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57.

(iii) That the draft By-law, attached as Appendix “D” to Report PED09186, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map Nos. 1336 and 1337 of Zoning By-law No. 05-200.

(v) That the proposed changes in zoning will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. .

(d) That upon finalization of the implementing By-laws, the Meadowlands Neighbourhood III Secondary Plan be revised to reflect the changes in road pattern.

CARRIED
22. **Application for a Ministry of Environment Certificate of Approval for a Waste Disposal Site (Transfer Station), Ministry of Environment Reference 6758-7HPRDW, 899 Nebo Road (PED09183) (Ward 11) (Item 8.1)**

(McHattie/Mitchell)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving **Application CA-09-002, Recycle City, Applicant**, for a Certificate of Approval for a Waste Disposal Site (Transfer Station), MOE Reference 6758-7HPRDW, to permit a waste transfer station on the lands located at 899 Nebo Road, Glanbrook, as shown on Appendix “A” to Report PED09183, that the City of Hamilton requests:

(a) That, if approved, the Amendment to the Certificate of Approval include the following requirements:

(i) That prior to receiving any waste materials on site, the proponent obtains site plan approval from the City’s Planning Division, to the satisfaction of the Director, Planning Division, City of Hamilton.

(ii) That prior to receiving any waste materials on site, the proponent obtains a building permit from the Building Services Division for the new facility, to the satisfaction of the Director, Building Services Division, City of Hamilton.

(iii) That the proponent shall prepare and submit a Fire Safety Plan (typed original and 2 copies) acceptable to the Chief Fire Official in conformance with Subsection 2.8.2 of the Ontario Fire Code.

(iv) That the proposal shall comply with Subsection 3.3.2 “Indoor General Storage” of the Ontario Fire Code.

(v) That the type of overhead fire suppression system identified in the Application for Certificate of Approval under Section A, Part 11, be confirmed under the signature of a Professional Engineer as to its ability to deal with and control any possible fire situation that might involve the product to be stored in the building. This documentation is to be sent to the Fire Department for review and comment prior to system installation.

(vi) That an inventory of waste types stored on site should be updated daily, and be provided to the Ministry of the Environment.
(vii) That the Certificate of Approval limit the maximum daily transfer of waste to a maximum rate of 299 tonnes per day, and a maximum storage of 600 tonnes of waste at any one time.

(viii) That the waste streams be limited to solid non-hazardous waste, and that no other waste be accepted at this facility.

(ix) That excellent on-site housekeeping practices be implemented for overall general maintenance, including litter and vermin control.

(x) That a Mitigative Dust Control Plan be prepared for site activities, including the entire property.

(xi) That the proponent implement spills prevention on site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on site and clean-up procedures are covered under the Certificate of Approval, and that the City’s Spills number (905) 540-5188 is included in the company’s on-site Contingency Plan. The Contingency Plan shall also deal with run off water from any fire fighting activity from the operation. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment.

(xii) That the Certificate of Approval includes requirements for strict adherence to all department/agency requirements, including those of the Ministry of Environment, Ministry of Labour, and Hamilton Emergency Services - Fire.

(xiii) That an internal Emergency Response Plan be prepared and sent to Hamilton Emergency Services - Fire for review and comment.

(xiv) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable MSDS sheets, be externally stored in a secured location on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year.

(xv) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.
(xvi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(b) That a copy of Report PED09183 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

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

CARRIED

23. Application for an Amendment to a Ministry of Environment Certificate of Approval (5328-4XUNBE) for Expansion to a Waste Disposal Site, Ministry of Environment Reference 4438-7JZKPG, 144 - 190 South Service Road, Stoney Creek (PED09184) (Ward 10) (Item 8.2)

(Ferguson/Duvall)
That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving Application CA-09-001, RPR Environmental, Applicant, for an Amendment to a Certificate of Approval (5328-4XUNBE), MOE Reference 4438-7JZKPG, to permit Unit 170 to be used for the storage of waste, for the lands located at 144 - 190 South Service Road, Stoney Creek, as shown on Appendix “A” to Report PED09184, that the City of Hamilton requests:

(a) That, if approved, the Amendment to the Certificate of Approval include the following requirements:

(i) That prior to receiving any waste materials in Unit 170, the proponent obtain a building permit from the Building Services Division for the proposed conversion of Unit 170 to an F1 Industrial Occupancy, and for the installation of door openings in the fire separation walls between Units 162 and 164, and between Units 168 and 170, to the satisfaction of the Director, Building Services, City of Hamilton.

(ii) That prior to receiving any waste materials in Unit 170, a revised Part 4 Building Audit shall be prepared and submitted, to the satisfaction of Hamilton Emergency Services – Fire, to confirm that the existing and proposed storage of flammable and combustible liquids is in full compliance with Part 4 of the 2007 Ontario Fire Code Compendium. The Audit shall be completed by a Professional Engineer or Architect, and must include all aspects of
Part 4, including the transfer and loading/unloading of the flammable and combustible liquids to/from the tanker vehicles. It shall also include spill control measures (i.e. expansion of existing berms and covering of floor drains in new floor areas to be included in the facility, and ventilation measures, including the design of the proposed fume hoods).

(iii) That the Certificate of Approval limit the maximum daily transfer of waste to a maximum rate of 250 tonnes per day, and a maximum storage of 500 drums, or 22,500 gallons, at any one time, of which the maximum amount of hazardous waste stored shall be 11,500 gallons.

(iv) That an inventory of waste types stored on site should be updated daily, and be provided to the Ministry of the Environment.

(v) That waste shall only be permitted to be stored within Units 164 to 170 of the building at 144 to 190 South Service Road.

(vi) That the Certificate of Approval include strict requirements for excellent on-site housekeeping practices for the approved classes of waste to minimize adverse effects to the surrounding uses.

(vii) That the proponent implement spills prevention on site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on site and clean-up procedures are covered under the Certificate of Approval, and that the City’s Spills number (905) 540-5188 is included in the company’s on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire fighting activity from the operation. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment.

(viii) That the Certificate of Approval includes requirements for strict adherence to all department/agency requirements, including those of the Ministry of Environment, Ministry of Labour, and Hamilton Emergency Services - Fire.

(ix) That an internal Emergency Response Plan be prepared and sent to Hamilton Emergency Services - Fire for review and comment.

(x) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list,
including product quantities and exact location within all facilities, along with the applicable MSDS sheets, be externally stored in a secured location on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year.

(xii) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.

That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(b) That a copy of Report PED09184 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

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

CARRIED

24. 5085 Trinity Church Road South (Gan Cappelletti) – Request to Support Redesignation of Lands to Specialty Crop in Rural Hamilton Official Plan (Ward 11) (PED09192) (Item 8.3)

(Mitchell/Whitehead)

(a) That Council advise the Hon. Jim Watson, Minister of Municipal Affairs and Housing, and the Hon. Leona Dombrowsky, Minister of Agriculture, Food, and Rural Affairs, of the City’s support for the application by Health 2 Farm Organics for designation as Specialty Crop Area of approx. 149.7 acres of land located at 5086 Trinity Church Road, Hamilton (the Cappelletti farm;

(b) That the City’s support is subject to a substantial portion of the lands (i.e., a minimum of 135 acres) having received “Organic certification” in accordance with Canadian standards, meeting the definition of Specialty Crop Area as defined in the Provincial Policy Statements and the Greenbelt Plan;

(c) That the City’s support is subject to the Cappelletts dropping their OMB appeal of the City of Hamilton’s Rural Official Plan, just prior to the letter being sent to the Minister.
(22)

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(d) That this request be identified as complete and removed from the Economic Development and Planning Outstanding Business List.

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised the following changes to the agenda:

The staff report respecting the Tivoli application is on the Consent section of the Agenda as Item 5.10. As there is a short staff presentation to go with the report, the item will be heard as the last consent item.

On a Motion (Pasuta/Duvall), the agenda for the July 6, 2009, meeting of the Economic Development & Planning Committee was approved, as amended

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest in Item 5.13(b) as she is an owner of investment property.

Councillor Ferguson declared an interest in 5.13(c), as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

On a Motion (Ferguson/Mitchell), the Minutes of the June 16, 2009 Economic Development and Planning Committee meeting were approved, as presented.

(d) Georgina Beattie, respecting Item 6.2, Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road (Item 4.1)

On a Motion (Duvall/McHattie), the delegation request was approved, to be heard after the staff presentation respecting Item 6.2.

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(e) Brenda Johnson respecting Item 6.2, Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road (Item 4.2)

On a Motion (Duvall/McHattie), the delegation request was approved, to be heard after the staff presentation respecting Item 6.2.

(f) Hal Kersey, Mady Developments, respecting Item 6.2, Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road (Item 4.3)

On a Motion (Duvall/McHattie), the delegation request was approved, to be heard after the staff presentation respecting Item 6.2.

(g) Gan Cappelletti, respecting Item 8.3, 5085 Trinity Church Road South – (Gan Cappelletti) – Request to Support Redesignation of Lands to Specialty Crop in Rural Hamilton Official Plan (Ward 11) (PED09192) (Item 4.4)

On a Motion (Mitchell/Pasuta), the delegation request was approved, to be heard after the staff presentation respecting Item 8.3.

(h) Sheena MacDonald, 16 Agnes Street, supporting unrestricted parking on Agnes Street (Item 4.5)

On a Motion (Ferguson/Duvall), this delegation request was approved to be heard at the Economic Development and Planning meeting on August 10, 2009.

(i) Lisa Greenaway, 12 Agnes Street, supporting unrestricted parking on Agnes Street (Item 4.6)

On a Motion (Ferguson/Duvall), this delegation request was approved to be heard at the Economic Development and Planning meeting on August 10, 2009.
(j) Inez Cade, 18 Agnes Street, supporting unrestricted parking on Agnes Street (Item 4.7)

On a Motion (Ferguson/Duvall), this delegation request was approved to be heard at the Economic Development and Planning meeting on August 10, 2009.

(k) Diane Marchetti and Jean Marchetti representing Norina Marchetti, Agnes Street, supporting unrestricted parking on Agnes Street (Item 4.8)

On a Motion (Ferguson/Duvall), this delegation request was approved to be heard at the Economic Development and Planning meeting on August 10, 2009.

(l) Annette Dougan, 14 Agnes Street, supporting unrestricted parking on Agnes Street (Item 4.9)

On a Motion (Ferguson/Duvall), this delegation request was approved to be heard at the Economic Development and Planning meeting on August 10, 2009.

(m) Hamilton Municipal Heritage Committee, May 28, 2009 Minutes (Item 5.13(a))

(Mitchell/Duvall)
That the Minutes of the Hamilton Municipal Heritage Committee meeting of May 28, 2009 be received.

CARRIED

(n) Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee, April 8, 2009 Minutes (Item 5.13(b))

(Mitchell/Duvall)
That the Minutes of the Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee meeting of April 8, 2009 be received.

CARRIED

(o) Taxi Reform Sub-Committee, June 18, 2009 Minutes (Item 5.13(c))

(Mitchell/Duvall)
That the Minutes of the Taxi Reform Sub-Committee meeting of June 18, 2009 be received.

CARRIED
(p) **Hamilton Heritage Property Grant Program -Tivoli Theatre – 108-114 James Street North (PED09197) (Ward 2) (Item 5.10)**

Ron Marini provided an overview of the report and advised that staff is recommending that the application be denied, unless amended by the applicant to fall within the limits set by the grant programme.

Committee approved the staff recommendation.

(q) **2008 Clean Air Hamilton Progress Report (PED09144) (City Wide) (Item 6.1)**

Brian Montgomery, Air Quality Coordinator, provided introduction and provided some background on Clean Air Hamilton. Dr. Brian McCarry gave a presentation of the Annual Report, with assistance of PowerPoint.

Highlights included but were not limited to:
- Hamilton Air Quality and Public Health
- Air Quality Trends
- Air Quality and Monitoring
- Mobile Monitoring
- Air Quality Measurements near Queenston Road and Highway 20 Intersection
- Air Quality and Transportation
- Air Quality Monitoring Website
- Actions Needed in Future

In response to questions from the Committee, Dr. McCarry advised of the following:
- The community smog plan should perhaps involve radio stations and should provide advice respecting what to do.
- The Ministry of the Environment is trying to re-institute the Air Pollution Index (API), where companies are encouraged to change their habits when the API is high.
- In December 2006, a session was held with a number of companies respecting fugitive dust, with positive results. However, more can be done.
- The content of fugitive dust varies depending on where you are, but 40% comes from long range transport and the rest is generated within the City from car and truck emissions, steel emissions, and other sources.
- Enhanced street sweeping in industrial areas is still ongoing and high quality street sweepers are being used.
• Need for more direct information to be shared with family doctors, radio stations, other media, to get the immediate message out respecting bad air quality days

Councillor Duvall expressed concerns respecting fugitive dust in new residential developments.

On a Motion (Mitchell/Ferguson), the presentation was received.

Committee then discussed the need for an enhance smog alert programme, and passed a Motion referring the matter to Public health staff for a report to the Board of health.

(r) Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) (Item 6.2)

Chair Pearson noted that the following recommendation from Committee of June 2, 2009, matter had been referred back by Council for further discussion, and that the Clerk had distributed copies this morning;

(a) That the Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) be deferred pending the completion of the following:

(i) Storm Water Management Study
(ii) Traffic Impact Study
(iii) Transit Hub Location
(iv) Detailed Urban design Guidelines

(b) That upon the completion of the requirements outlined in subsection (a) that Holding Provisions be attached to the following:

(i) Sustainable Design Elements/Guidelines
(ii) Record of Site Condition (RSC)
(iii) Archaeological Assessment
Tim McCabe provided a brief overview of the matter, including the completion of the Public Meeting on June 2, 09, the recommendation to Council, and the referral back to Committee of the entire matter.

Chair Pearson reminded the delegations that this is not a public meeting. Consequently, delegations are limited to five minutes each.

Joe Minor addressed Committee with regard to the proposal. His points included, but were not limited to the following:
- He did not hear Mr. McCabe relay any new information, so Committee should take the same stance as last meeting.
- Council is diverting public funds to battle provincial planners, municipally hired consulting planners, and the City’s planning staff.
- Comments from the Province respecting another Wal-Mart project are applicable:
  - Uses such as offices, hotels and commercial uses should be directed to Nodes and Corridors
  - The City has identified a long-term deficiency of employment lands and should maintain its employment lands
- He would appreciate it if Council could be more open about discussions with the Province in resolving issues that have come up.

Georgina Beattie addressed Committee with regard to the proposal. Her points included, but were not limited to the following:
- Ms. Beattie read highlights of a letter from Lisa Amberman, who could not attend the meeting:
  - Originally concerned with number of cars
  - Was told that the Wal-Mart would generate $1 million in tax revenue and increase the number of jobs available
  - Has not been provided with studies to show that this is good for Hamilton
  - Council should look at the economic impact
- Ms. Beattie read highlights of an e-mail from a resident Connie Stephenson:
  - Compared the number of Wal-Marts in Hamilton to other major cities.
  - Hamilton has double the number of Wal-marts per person as Toronto.
- Ms. Beattie’s personal comments included:
  - Based on the annual net loss per square feet, the shortfall for this would be in excess of $85 million.
  - Residents were told that the development would be high end stores
  - The SCUBE Community Advisory Committee feels that they did not have a role in the decision-making process.
  - Location and the cost of the infrastructure are the problem.
Chair Pearson advised that the matter was referred back to the Committee for clarification, not because of new information.

Brenda Johnson addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

- She is from Environment Hamilton and lives on Winona Road
- Appendix M does not include two new letters from Town of Grimsby and Region of Niagara expressing their concerns – they are concerned because they did not receive a peer review.
- The market study needs to be revised as it is outdated.
- There are still seven holding provisions on this application – one is traffic study and it needs to be revised and updated.
- SCUBE is not complete
- If the City keeps putting box stores around the outskirts, it will suck the middle dry.
- If this is approved, there will be three big box stores within 10 minutes of each other.

Committee discussed the matter and received additional information from staff. Staff advised that the preliminary draft of the peer review was started in 2005 but, due to Council’s decision on changing land uses from employment to commercial, no further work was completed. Staff also advised that, in order to change these lands back to employment lands, a reconsideration would need to take place at Council and the City would have to write to the Minister to ask for an amendment to the Council approved Official Plan.

Hal Kersey, Mady Development Corporation, addressed Committee. He advised of the following:

- Mady Developments will pay for any infrastructure required, such as traffic signals, trunk sewers, a storm management system, and other matters.
- There is a Canadian study on Wal-Mart that concludes that it is difficult to make a case that Wal-Mart puts other businesses out of business.
- With respect to the economic impacts, an economic analysis was completed and provided to the City several years ago.
- Also, there was a peer review – we responded with a follow-up study that showed that there was enough room for this grocery store and also another grocery store in this market.
- Have letter of recommendation from Town of Strathroy with respect to the Wal-Mart development there
- Agree with the revised recommendation which has been prepared
- We are reserving land on our property to accommodate the transit hub.

In response to a question from the Committee, Mr. Kersey advised that he had not read the peer review of the Tate report respecting the economic situation.
Committee discussed the matter in detail and considered the revised Motion which had been placed before them.

(Clark/Ferguson)
1. That the applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) be approved in accordance with the Planning and Economic Development Department, Planning Division, report dated May 11, 2009, subject to the following:

(a) That Holding Provisions be attached to the following:

   (i) Storm Water Management Study
   (ii) Traffic Impact Study
   (iii) Transit hub Location
   (iv) Detailed Urban Design Guidelines
   (v) Sustainable Design Elements/Guidelines
   (vi) Record of Site Condition (RSC)
   (vii) Archaeological Assessment

(b) That the developer shall be fully responsible for its own storm water management plan at its sole cost and expense to the satisfaction of the Directors of Development Engineering, and Strategic and Environmental Planning for the City of Hamilton, the Hamilton Conservation Authority, and the Ontario Ministry of Transportation.

(c) That, subject to removal of all holding provisions, the developer shall be permitted to proceed with development of its project subject to sufficient lands being reserved on the developer’s property at Winona Road to accommodate the transit hub in accordance with the City’s completed Transit Hub Feasibility Study. The developer shall adjust its development plans as necessary to accommodate the Transit Hub design details as set out in said completed study.

(d) That the Former Regional Municipality of Hamilton-Wentworth Official Plan and the Former City of Stoney Creek Official Plan item 12.6.2.1 a)ii be amended to provide for One department store, with a maximum gross floor area of 17,000 square metres

The Motion **LOST** on the following standing recorded vote:

Yeas: Clark, Duvall, Ferguson, Mitchell, Pearson

Total: 5

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Chair Pearson asked if Committee wished to put forward a Motion to approve the original staff recommendation. No further recommendations were placed on the floor. Committee then requested that the original staff recommendation be included in the information section of the report, to facilitate further discussion at Council; as follows:

(a) That approval be given to amended Hamilton-Wentworth Official Plan Amendment Application ROPA-05-04, by Penady (Stoney Creek) Ltd., Applicant, for Regional Official Plan Amendment No. ___, to revise Policy C3.1.3.5, for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09157, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement.

(b) That approval be given to amended Official Plan Amendment Application OPA-05-20 by Penady (Stoney Creek) Ltd., Applicant, for Official Plan Amendment No. ___, to amend Schedule “A” General Land Use Plan, of the City of Stoney Creek Official Plan, for a redesignation from “Special Policy F” to “Commercial”, for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09157, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and will be in conformity with the Hamilton-Wentworth Official Plan upon approval of Regional Official Plan Amendment No. ___.

(c) That approval be given to amended Zoning Application ZAC-05-111, by Penady (Stoney Creek) Ltd., Applicant, for a change in zoning from the Agricultural Specialty “AS” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone (Block 1), and from the Highway Commercial “HC” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone (Block 2), for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft Zoning Amendment, attached as Appendix “B” to Report PED09157, be adopted by City Council.

(ii) That the proposed Zoning Amendment is consistent with the Provincial Policy Statement, and will be in conformity with the Hamilton-Wentworth Official Plan upon approval of Regional Zoning Amendment No. ___.
Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning will be conformity to the Hamilton-Wentworth Official Plan and to the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No.’s ____ and ____.

(d) That upon finalization of the implementing By-laws, the new Urban Official Plan be modified to incorporate the subject lands as Special Policy Area No. ____.

(s) Amendments to the City of Hamilton Licensing Code By-Law No. 07-170 (PED08117(a)) (City Wide) (Item 6.3)

Marty Hazell, Senior Director of Parking and Bylaw Services, provided a brief overview of the matter. He advised that the amendments are technical and housekeeping changes, and do not change the intent of the bylaw.

Chair Pearson noted that the matter had been advertised, as required by the City’s policies, and asked if there were any members of the public who wished to speak on the item.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(t) Application for Approval of a Draft Plan of Vacant Land Condominium “Kitty Murray Woods” for Lands Located at 7-67 Butternut Grove Lane and 3-43 Black Walnut Crescent, (formerly 149 Stonehenge Drive) (Ancaster) (PED09187) (Ward 12) (Item 6.4)

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

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of condominium, the person or public body is not entitled to appeal...
the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of condominium the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On Motion (Mitchell/Bratina), Committee agreed to dispense with the planner’s presentation.
Cam Thomas was present to assist Committee

The applicant’s agent, Amanda Mah, Starward Homes, advised that she was satisfied with the staff recommendation

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(u) Applications for Approval of a Draft Plan of Subdivision “Adam Estates”, and Amendments to the Hamilton Official Plan and Zoning By-law No. 6593, for Property Located at 201 Lorenzo Drive and 1151 Upper James Street (Hamilton) (PED09181) (Ward 7) (Item 6.5)

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

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment, and the draft plan conditions, and passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment, and the draft plan conditions, and passes the zoning by-law, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
Cam Thomas was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. His highlights included the following:

- Concerns respecting an existing Red Tailed Hawk nest. Nesting birds are protected by law, so the tree that the birds are in cannot be disturbed. Consequently, there is a recommendation that no trees are to be removed from the property until August 15, 2009.
- The owner of the Airport Inn on Upper James is concerned about the easement needed at the side of his property for the water main, as well as land required for a walkway.

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

The applicant’s agent, Angelo Cameracci, Urbex Engineering, advised that he was satisfied with the staff recommendation. He provided some background information on the property, and advised that the owner of 1187 Upper James was not concerned with the water main easement, but rather with the sidewalk easement, as it may diminish parking. Mr. Cameracci explained that his client is anxious to proceed with the first phase of the subdivision development, and that an approval of the plan today is being requested.

Ed Fothergill, Fothergill Planning and Development, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- He is representing the owner of 1187 Upper James, Mr Kichi
- His client does not have problem with proposed use, but does have an issue with the walkway.
- There previously was a walkway on south side of the property, but when lands to the east were developed, it was determined that the walkway was not needed. Mr. Fothergill’s client purchased the former walkway area for redevelopment and was unaware that the walkway requirement was still in existence
- Putting a walkway in on the north side will affect his plans for redevelopment.
- He would like time to talk to City and applicant to discuss options.
- He would prefer to deal with the issue locally rather than at the OMB.

In response to questions from the Committee, Mr. Fothergill advised that he can try to meet with the applicant and the City before Thursday’s Council. However, if the application is approved and the differences are not resolved, his client will appeal to the OMB.

Committee discussed the issue and asked further questions of staff and the speaker. Staff noted that while the proposed plan is ready to be approved, Mr Kichi does not yet have detailed plans for the development of the area along the north side of his property. Committee noted the request from the applicant to approve the

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development and allow the first phase to proceed this year. Committee urged the parties to get together and work out a mutually agreeable position.

Committee approved the staff recommendation.

(v) Application to Amend Ancaster Zoning By-law No. 87-57 for the Lands Located at 431 Kitty Murray Lane (Ancaster) (PED09182) (Ward 12) (Item 6.6)

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

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

On a Motion (Ferguson/McHattie), Committee agreed to dispense with the planner’s presentation.

Timothy Lee was present to assist Committee.

The applicant’s agent, Joe Lattuca, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(w) Application for a Change in Zoning for Lands Located at 236 Parkside Drive (Flamborough) (PED09194) (Ward 15) (Item 6.7)
Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act:

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Kate Mihaljevic was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. She advised that one letter of objection had been received from the adjacent property owner. She further advised that the solarium on the existing dwelling is to be removed to facilitate the development of the new house.

The applicant’s agent, Tony Millington, advised that he was satisfied with the staff recommendation.

David Smith, 232 Parkside Drive, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• The proposed lot is in the middle of 5 bungalows
• His house is set about 85 feet back from the road, and he appreciates that the applicant has agreed to move the new house further back on the lot
• He is still worried that he will be faced with a two-storey home that will be looming over his house
• It is a very narrow lot to be split into two lots
• He can’t see how it can accommodate a bungalow as well as the existing house

No other members of the public came forward to address Committee

Councillor Pearson advised that the Ward Councillor is in agreement with the application.

Committee discussed the application.

Committee approved the staff recommendation.
Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment, and the draft plan conditions, and passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment, and the draft plan conditions, and passes the zoning by-law, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Chair Pearson advised that additional communications had been received from the following persons, all of whom are in opposition to the application:

Teresa Di Re, 4 Moorland Crescent
Barbara Spanos
Tom Jachimowicz, 47 Moorland Crescent
Samantha Cabral, 51 Holkham Avenue
Janice Viani, 72 Holkham Avenue
Carolyn Galasso, 8 Holkham Avenue
Tim Richard, Moorland Crescent
John Yaffe, 80 Holkham Avenue
Nicole Goodland, Holkham Avenue
Xuanyu Wang, Bosworth Street
Petition from Nicole Goodland  
Ed Giglia  
Paula Dickson  
Calin Bisca

Edward John was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. He advised of several amendments to the recommendation, in order to exert more control over the location of smaller size lots to assist in maintaining the established character of the area, revisions respecting landscaping requirements for small lot singles, single driveways for small lot singles, and other changes.

Councillor Ferguson advised that this is a significant change from what was approved a year ago and that the immediate community is disappointed in this. He expressed concern that the development is not in keeping with Ancaster as a whole. He further advised that, although he is not happy, he is satisfied with the amendments.

In response to questions from the Committee, staff advised of the following:

- While the previous approval had included a condition that the developer would pay the first $10,000 for a traffic signal on Garner Road and Kitty Murray Lane to be installed when 50% of the homes were built, the current application is a different one, and staff is recommending a different method of accommodating traffic movements. The new application contains a condition that the developer contribute $20,000 for intersection improvements at Kitty Murray and Garner Road.
- The Garner Road EA has been delayed and thus there is no final response to whether a permanent traffic signal is needed at Garner/Kitty Murray Lane. However, staff consider it will be finished in 8-12 months.
- This application does not fully trigger the need for a traffic light.
- A traffic light costs $150,000.

The applicant’s agent, James Webb, made a presentation to Committee. Highlights included:

- The original application was submitted in August 2007.
- 120 units have been sold to date.
- After approval of the original plan, Hamilton Wentworth District Catholic School Board requested land for an elementary school.
- Removal of a block for a school reduces the number of dwellings and density.
- Amendments have been proposed in order to maintain the density objectives.
- The school is to be operational in September 2010.
- 100 medium density units will be internalized.
Reduction in lot frontage to include 30 foot wide singles is consistent with Provincial planning policy
- The proposed amendments conform to local planning policy
- Small lot singles represent less than 1/3 of the overall unit mix
- Need to meet the closing dates of 120 units already sold
- Need approval so that the school board can proceed with their process
- Did agree to a condition last year respecting contributions towards a traffic signal.
  - The intersection has had problems prior to Mattamy coming forward. That condition was dropped and replaced with new condition. Mattamy will build a temporary additional lane at the intersection, which will help correct an existing problem. This will implement the solution faster

In response to a question from the Committee, Mr. Webb advised that Mattamy has a plan to meet the 40% required on street parking requirements, and there will be sidewalks on one side of the street, except near the school.

Marcel Castura, Director of Education for Hamilton Wentworth District Catholic School Board, addressed Committee with regard to the proposal. His points included, but were not limited to the following:
- There is an urgency for the Board to have another elementary school for this area.
- Seeking quick approvals in order to get the school open for September 2010.
- A delay in approval would jeopardize the project, possibly for an entire school year

Martin Van Oosten, 467 Kitty Murray Lane, Ancaster, addressed Committee with regard to the proposal. His points included, but were not limited to the following:
- concerned with the density and traffic.
- long term resident of the area
- addition of an elementary school will add to the traffic issues.
- It was the public’s understanding that there would be a traffic light coming – he is concerned that now that is not the case.
- Access to the road is essential as there is emergency services centre on corner.
- The school must provide sufficient drop-off parking.
- People who live on Kitty Murray mostly retired – need access by emergency vehicles
- Not sure how Mattamy can justify keeping the same number of units on less property, now that a portion has been sold to the school board.

Committee discussed the matter and had additional information supplied by staff. Staff advised that the traffic volumes and wait times do not warrant a traffic light at the corner of Garner Road and Kitty Murray Lane. Councillor Ferguson noted
that a traffic light had been agreed to, as part of this development, and that this had be apromise to the neighbours. He expressed serious concerns that the traffic light condition had not been included in the approval of the development.

(McHattie/Ferguson)
That the $20,000 contribution from the developer for road improvements be put towards a traffic light to be installed at the corner of Kitty Murray Lane and Garner Road, installation to be carried out once 50% of the building permits have been issued.

The Motion LOST on the following standing recorded vote:
Yeas: Ferguson, Duvall, McHattie, Pasuta
Total: 4
Nays: Eisenberger, Mitchell, Pearson, Whitehead
Total: 4
Absent: Bratina, Clark
Total: 2

Committee approved the staff recommendation, as amended to include the changes outlined by the planning staff.

(y) Application for a Ministry of Environment Certificate of Approval for a Waste Disposal Site (Transfer Station), Ministry of Environment Reference 6758-7HPRDW, 899 Nebo Road (PED09183) (Ward 11) (Item 8.1)

On Motion (Whitehead/McHattie), Committee agreed to dispense with the planner’s presentation.

Heather Travis noted that the applicant, Henry Kwasniuk, had been present earlier, but had now left.

Committee approved the staff recommendation.

(z) Application for an Amendment to a Ministry of Environment Certificate of Approval (5328-4XUNBE) for Expansion to a Waste Disposal Site, Ministry of Environment Reference 4438-7JZKPG, 144 - 190 South Service Road, Stoney Creek (PED09184) (Ward 10) (Item 8.2)

Staff advised that this is not an expansion, but rather a reconfiguration of floor space and how waste is stored on site.
On a Motion (McHattie/Ferguson), Committee agreed to dispense with the planner's presentation.

Heather Travis was present to assist Committee.

It was noted that the applicant, Patrick Whitty, is present, and is in agreement with the staff recommendation.

Committee approved the staff recommendation.

(aa) 5085 Trinity Church Road South (Gan Cappelletti) – Request to Support Redesignation of Lands to Specialty Crop in Rural Hamilton Official Plan (Ward 11) (PED09192) (Item 8.3)

Joanne Hickey-Evans advised that the Cappelletti family is requesting that the lands be re-designated to Specialty Crop. Staff does not support her request, as the Specialty Crop designation is not determined by the City, but rather by the Province. The designation of Rural Farming does not affect the Cappelletti family’s ability to carry out organic farming.

Gan Cappelletti addressed Committee with regard to the proposal. Her points included, but were not limited to the following:
- purchased the property in spring 2006 and have converted to organic farming practices
- The Hon. Jim Watson advised the Cappellettis to contact the City who in turn said that it was a provincial matter.
- Would like to sever 40-acre organic farms from the 140 acre holding
- Asking the City to allow and support a way of life that will benefit all involved.
- Organic farms benefit surrounding lands by producing nutritious runoffs
- Organic farms are the way of the future, are healthier than traditional brownfield farms, which are treated with many chemicals and pesticides
- The best way to preserve this land is by recognizing diverse farming practices
- Hamilton needs to lead the way in true sustainable organic farming.

Adi Irani, A.J. Clarke, addressed Committee with regard to the proposal. His points included, but were not limited to the following:
- not asking the Committee to change the designation from agriculture to specialty crop, as that is the responsibility of the Province.
- is requesting that the City of Hamilton to support the Cappellettis in their quest to have the Province change their designation
- The Province encouraged the Cappellettis to discuss this further with the City
- Cappelletti farm meets the definition of a specialty crop area
• His clients will consider dropping their OMB appeal if City supports their application to the Province
• He is just asking that the City advise the Minister of Municipal Affairs and Housing and the Minister of Agriculture, Food, and Rural Affairs, that it supports this application

Committee discussed the request and received additional information from the presenters and from staff.

Councillor Pasuta took issue with the presenter’s characterisation of traditional farming as being “brownfields”, and explained that conventional farming is responsible. He asked if the applicant wanted a severance or severances, if the land is given a Speciality Crop designation for 40 acres.

Staff responded that if the designation was given to the land, there is the potential for two severances, to create three lots.

Councillor Ferguson expressed concern that in future, this could lead to additional houses in the rural area, if the land was ever re-assembled.

Committee passed a Motion as outlined in Item 24 above.

The Motion CARRIED on the following recorded vote:
Yeas: Duvall, McHattie, Mitchell, Pearson, Whitehead
Total: 5
Nays: Ferguson, Pasuta
Total: 2
Absent: Bratina, Clark, Eisenberger
Total: 3

(bb) Amendments to the Property Standards By-law 03-117 to Reflect Current Waste Management Principles (PED09165) (City Wide) (Item 8.4)

(Duvall/Ferguson)
That Report PED09165 respecting Amendments to the Property Standards By-Law 03-117 to Reflect Current Waste Management Principles be deferred to the August 10, 2009 meeting of the Economic Development and Planning Committee. CARRIED

(cc) Motions (Item 9)

None.
Councillor McHattie introduced the following Notice of Motion:

**Green Roofs**

Whereas, in May 2009 the City of Toronto passed a new green roof by-law consisting of a green roof construction standard and a mandatory requirement for green roofs on all classes of new buildings, and;

Whereas, it is anticipated that 50-75 new green roofs will be constructed in Toronto annually, and;

Whereas, Hamilton has an energy conservation strategy and a greenhouse gas reduction strategy, which would benefit from additional green roofs,

That staff be directed to investigate the Toronto green roof bylaw example and report back on the efficacy of a similar bylaw and incentive program for Hamilton.

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

Tim McCabe provided an overview of some upcoming reports on the 2009 & 2010 Report Calendar, and noted four special, afternoon meetings, for major matters. These would take place as follows;

September 22, 2009 - Sign By-law
October 6, 2009 - New Commercial/Industrial Zoning
October 20, 2009—Tree Cutting By-law
November 17, 2009—Harmonised Animal Control By-law

A handout respecting the 2009 City of Hamilton Urban Design and Architectural Awards was distributed.

**Private and Confidential (Item 12)**

No items.

**ADJOURNMENT (Item 13)**

The meeting lost quorum and stood adjourned at 3:34 p.m.

Respectfully submitted,

Council – July 9, 2009
Economic Development & Planning Committee

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
July 6, 2009