City Clerk's Division
COUNCIL FOLLOW-UP NOTICE

TO: Scott Stewart
   Public Works

DATE: April 16, 2007

FROM: Alexandra Rawlings
       City Clerk's Division

RE: City Council Meeting—April 11, 2007
     EPD Report 07-006

City Council, at its meeting held on April 11, 2007, approved Economic Development & Planning Committee Report 07-006, as amended and received the information section.

The following item was referred to the Public Works Committee;

14. Proposed Right-Turn Lane at Upper Paradise/Rymal (Added Item) *

That Public Works Committee be requested to consider the inclusion in their capital budget of a dedicated northbound right-turn lane at the Upper Paradise/Rymal intersection.

This matter is related to the Committee's discussion respecting Item 10, and Council's subsequent amendment to the Recommendation, as follows;

10. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 639 Rymal Road West (PED07039) (Ward 8) (Item 8.2)

That approval be given to Amended Zoning Application ZAC-06-64, Thomas Sullivan, Martin Sullivan and Lynda Campbell, owners, for a change in zoning from the "AA" (Agricultural) District to the "C"-'H' (Urban Protected Residential, etc. - Holding) District, to permit the development of five single detached dwellings on separate lots, for the property located at 639 Rymal Road West (Hamilton), as shown on Appendix "A" to Report PED07039, on the following basis:

(a) That the subject lands be rezoned from the "AA" (Agricultural) District to the "C" – 'H' (Urban Protected Residential, etc. - Holding) District.

(b) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to 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 the subject lands until such time that:

i) The owner/applicant conducts an archaeological assessment of the entire development property and mitigates, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to approval from the City of Hamilton's Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

ii) The owner/applicant investigates the noise levels on the site and determines the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Development and Real Estate; and,

iii) Sufficient capacity of the municipal sanitary sewer system is available for the proposed development to the satisfaction of the Manager of Development Engineering.

(iv) A second access to the subdivision to the south has been constructed or until 12 months has elapsed from the date of Council approval, whichever comes first.

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.

(c) That the draft By-law, attached as Appendix "B" to Report PED07039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(d) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

For your information, I am attaching a copy of the Planning staff report on the item respecting the proposed plan of subdivision, and a copy of the Amended Report
If you have any questions regarding this information, please let me know.

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee

cc. C. Biggs