Planning and Economic Development Committee

REPORT 06-018
As amended by Council October 25, 2006

October 17, 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 C. Collins, B. Morelli

Absent:
Councillor M. Ferguson – Illness

Staff Present:
L. Coveyduck, General Manager, Planning & Economic Development
T. McCabe, P. Mallard, P. Mason, T. Redmond, N. Everson,
C. Reid, E. John, P. Delulio, T. Sergi, J. Muto, J. Thompson,
S. Deiaco, G. Macdonald, D. Samis, S. Hamilton, A. Fletcher
– Planning and Economic Development Department
M. Tanner, Public Works
A. Zuidema, S. Gencher, Legal
A. Rawlings, I. Sturgeon – City Clerk’s Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS
REPORT 06-018 AND RESPECTFULLY RECOMMENDS:

1. Demolition Permit – 1461 Upper Gage Avenue (PED06424) (Ward 6) (Item 5.1)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 1461 Upper Gage Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.
2. Demolition Permit – 824 Upper Wentworth Street (PED06414) (Ward 7) (Item 5.2)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 824 Upper Wentworth Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

Item 3 Subsection (a) of the following Item was amended by deleting $5,100 and replacing it with $1.00 in lieu thereof as follows;

3. Proposed Sale of City Lands to the Hamilton Beach Rescue Unit Association – Part of the Hotel Property, Registered Plan 364, Being an 8 Foot Strip Along the North West Side of Part 1 on Plan 62R4647, Municipally Known as Part of 312 Beach Boulevard, Hamilton (PED06402) (Ward 5) (Item 5.3)

(a) That the proposed sale of a remnant parcel to the Hamilton Beach Rescue Unit Association, having a lot width of approximately eight feet along the north limits of Part 1 on Plan 62R4647, being Part of the Hotel Property on Registered Plan 364, municipally known as 312 Beach Boulevard, Hamilton, attached hereto as Appendix “A” to Report PED06402, be approved and completed for the sale price of $1.00.

(b) That the funds from the sale be credited to Account No. 47702-3560150100 (Sale Proceeds/Revenues), and as the sale price does not include the Goods and Service Tax, should the GST be applicable and collected by the City, the GST amount is to be credited to Account No. 22835-009000 (GST Payable).

(c) That the Mayor and City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following:

(i) The property was declared surplus by resolution of the City Council on June 27, 2000 by adopting Item #5 of Report 13-00 of the Finance and Administration Committee.

(ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on April 28, 2006.

(iii) Notice to the public of the proposed sale of land is given by inclusion of this report to Council.
Section 30 of the Expropriation Act, City Purchase of Part of 100 Cumberland Avenue (Lifesavers Park), Part 1 on Plan 62R-17378 from Archer Developments Corp. (PED06403) (Ward 3) (Item 5.4)

(a) That the Property Purchase Agreement to be executed by Archer Developments Corp., for the lands known as part of 100 Cumberland Avenue (Lifesavers Park), being Part 1 on Plan 62R-17378, as shown on Appendix "A" to Report PED06403, be approved and completed.

(b) That the partial compensation of $325,000 for the subject property outlined in Sub-section (a) above, be charged to Account Number 4400650661 (Lifesavers Park Project), subject to the following conditions:

(i) That pursuant to the provisions of Section 30 of the Expropriation Act, the Owner hereby consents to the acquisition of the herein described lands by the City. The City hereby consents to an application by the Owner to the Ontario Municipal Board for the determination by the Board of the compensation, which the Owner would be entitled by the Expropriation Act if the lands were expropriated. The City hereby agrees to pay to the Owner any compensation determined by the Board or in the event of an appeal, as determined by the Court of Appeal, in excess of the amount of compensation paid pursuant to the Agreement herein. If the amount of compensation stated in this agreement exceeds the compensation awarded by the Ontario Municipal Board or Court of Appeal, the property owner agrees to refund the difference to the City within 30 days of the decision of the Ontario Municipal Board or Court of Appeal, in excess of the amount of compensation paid pursuant to the Agreement herein.

(ii) That the City further agrees to pay interest on any such compensation pursuant to Section 33 of the Expropriation Act.

(iii) That the date of valuation of the Section 30 Agreement is the date of its signing by the owner.

(iv) That it is agreed that the execution of this Section 30 Agreement does not dispense with the hearing before the Board of Negotiation. The parties agree not to proceed to arbitration before the Ontario Municipal Board unless the City and the Owner have agreed to dispense with negotiations before the Board of Negotiation or negotiations before same do not result in a settlement of compensation. The above does not limit the parties from obtaining a final settlement of compensation prior to an application by the Owner to the Ontario Municipal Board.
(v) That it is understood and agreed that the City will pay reasonable legal costs actually incurred by the owner for the transfer of the subject property to the City. If agreement on these costs cannot be reached, these costs will be claimed as part of the Section 30 compensation. Reasonable legal or other costs incurred prior to the execution of the Agreement will be paid upon final settlement or adjudication of the Section 30 compensation.

(vi) That it is understood and agreed that this transaction is conditional upon the lease arrangement between the Owner and the City for the lease of the subject lands to remain in force until such time as the closing of this transaction.

(c) That all further costs and expenses to settle the expropriation of part of 100 Cumberland Avenue be charged to Account Number 4400650661 (Lifesavers Park Project).

(d) That approval be given to continuation of the City lease of the Lifesavers Park lands until such time as the closing of the Property Purchase Agreement.

(e) That the Mayor and the City Clerk be authorized and directed to sign any necessary documents in a form satisfactory to the City Solicitor.

5. Approval to Extend the Part-Time Property Co-ordinator Position for a Further Period of 24 Months (PED06409) (City Wide) (Item 5.5)

(a) That approval be given to extend the part-time Property Co-ordinator position for a further period of 24 months to assist the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department in the delivery and implementation of the Portfolio Strategy Plan, as adopted by City Council on November 24, 2004.

(b) That this position be fully funded through the monies received from the sale and purchase of properties.

6. Appointment of Municipal Law Enforcement Officers for Parking Control under By-law No. 01-084 (City Wide) (PED06415) (Item 5.6)

(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:

“Frank Thiessen
Allen Kitchen
Meghan Loomes”

(b) That the appointments of the following persons as Municipal Law Enforcement Officers be rescinded:

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(c) That a by-law in the form attached to Report PED06415 as Appendix "A" to amend By-law No. 01-084 accordingly be passed and enacted.

7. Adjustments to School Crossing Guard Locations Resulting from School Closures and Boundary Changes (PED06410) (Wards 3, 4, 5, 10, 12, 13) (Item 5.7)

(a) That the revised list of school crossing guard locations resulting from the school closures and boundary changes in Wards 3, 4, 5, 10, 12, and 13 attached hereto as Appendix “A” to Report PED06410 be approved.

(b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for assigning/removing school crossing guards prior to Council approval for the school closure/boundary changes proposed by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board for the 2006/2007 school year.

8. Use of Plate Denial Revenues to Fund Parking Infrastructure and Offset Plate Denial Program Costs (PED06391) (City Wide) (Item 5.8)

(a) That the revenues generated through the vehicle licence plate denial process accrue to Hamilton Municipal Parking System and be utilized as follows:

(i) A portion of said revenues shall offset the costs associated with facilitating the plate denial process; and,

(ii) The balance of said revenues shall be set aside in the Parking Capital Reserve Account No. 108021, to maintain or improve Hamilton Municipal Parking System infrastructure.

(b) That Hamilton Municipal Parking System be authorized to increase its administrative staff complement by one (1) FTE to accommodate the processing of plate denial documents, an expected increase in customer inquiries and the reconciliation of accounts, and that the costs attendant to this position be funded as follows:
(i) Approximately 50% of said costs shall be funded directly from such new revenues as will be generated through the vehicle licence plate denial process, as indicated in recommendation (a); and,

(ii) Contingent upon the implementation of recommendation (c) (below) Approximately 50% of said costs shall be funded from monies currently being transferred from the Hamilton Municipal Parking System budget to the Provincial Offences Administration respecting duties that will be, assumed by Hamilton Municipal Parking System.

(c) That, subject to approval from the Ministry of the Attorney General, staff be authorized and directed to take such action as will facilitate the designation of the Hamilton Municipal Parking System office as an administrative Court office and the designation of the Supervisor of Parking Revenue Management and Revenue Control Clerk positions as Clerks of the Court, solely for the purpose of processing Part II matters under the **Provincial Offences Act** respecting municipal by-laws, but excluding the hearing of trials.

(d) That staff be directed to report back to the Committee with further information respecting the revenues associated with the plate denial process once a trend respecting said revenues is established.

9. **Enterprise Zone Municipal Realty Tax Incentive Grant Program - 52 James Street South, Hamilton - Agreement - EZ04/02 (PED06412) (Ward 2) (Item 5.9)**

(a) That the Enterprise Zone Tax Grant, as detailed within Report PED06412, be applied to 52 James Street South, Hamilton as the redevelopment of the property is complete and the terms and conditions of the program have been satisfied.

(b) That the Mayor and City Clerk be authorized to execute the Agreement attached as Appendix “A” to Report PED06412.

10. **Enterprise Zone Municipal Realty Tax Incentive Grant Program - 100-110 James Street South, Hamilton - Agreement - EZ04/03 (PED06413) (Ward 2) (Item 5.10)**

(a) That the Enterprise Zone Tax Grant, as detailed within Report PED06413, be applied to 100-110 James Street South, Hamilton as the redevelopment of the property is complete and the terms and conditions of the program have been satisfied.

(b) That the Mayor and City Clerk be authorized to execute the Agreement attached as Appendix “A” to Report PED06413.
11. **Enterprise Zone Municipal Realty Tax Incentive Grant Program Application for 53 King Street East, Hamilton EZ06/04 (PED06416) (Ward 2) (Item 5.11)**

That Application EZ06/04 for the proposed renovation of a 4 storey building located at 53 King Street East, Hamilton, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

12. **Enterprise Zone Municipal Realty Tax Incentive Grant Program Application for 132 Main Street West, Hamilton EZ06/06 (PED06417) (Ward 2) (Item 5.12)**

That, subject to the completion of a Heritage Impact Assessment which may warrant partial retention of the heritage resource on site, application EZ06/06 for the proposed development of a 12-storey long-term stay Hilton Homewood Suites Hotel (the former Hamilton Motor Products showroom/sales office building) located at 132 Main Street West, Hamilton, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

13. **Enterprise Zone Municipal Realty Tax Incentive Grant Program Application for 150 Main Street West, Hamilton EZ06/05 (PED06418) (Ward 2) (Item 5.13)**

That upon approval of the requisite variances to Hamilton Zoning By-law 05-200, Application EZ06/05 for the proposed conversion of a vacant 7 storey office building (the former Federal Building) to residential, and the development of a 3-storey parking facility for use by the residential occupants, located at 150 Main Street West, Hamilton, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

**Item 14 was deleted in its entirety.**

14. **2007 Volunteer Committee Budget Submission of the Agricultural and Rural Affairs Advisory Committee (City Wide) (PED06425) (Item 5.14)**

*Note: Please refer to Item 1 of Planning & Economic Development Committee Report 06-019*
15. **ERASE Redevelopment Grant Application (ERG-06-05) – Lowe’s Companies Canada, ULC, 349, 401, 437, 443 Woodward Ave, Hamilton (PED06422) (Ward 4) (Item 5.15)**

   a) That ERASE Redevelopment Grant Application ERG-06-05, submitted by Lowe’s Companies Canada, ULC, owner of the property at 349, 401, 437, 443 Woodward Ave, to receive the ERASE Redevelopment Grant Program (ERG) and the ERASE Tax Assistance Program (TAP), be approved.

   b) That combined ERASE Redevelopment Grant Program (ERG) and ERASE Tax Assistance Program (TAP) assistance shall not exceed $850,800 payable to Lowe’s Companies Canada, ULC. over a maximum of five (5) years.

   c) That a By-Law (Appendix C) be approved by Council for the freezing of property taxes for educational and municipal purposes for a maximum of three (3) years effective after the development period and as a result of re-valuation by the Municipal Property Assessment Corporation (MPAC) following project completion.

   d) That the City enter into an ERASE Redevelopment Agreement with Lowe’s Companies Canada, ULC regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant (ERG) for, and redevelopment of, 349, 401, 437, 443 Woodward Ave, with such agreement to be satisfactory to the City Solicitor.

16. **Canadian Pacific Railway Liaison Committee Minutes (Item 5.16)**

   That the minutes from the Canadian Pacific Railway Liaison Committee meeting held on May 25, 2006, be received for information.

17. **Demolition Permit – 126 Augusta Street (PED06429) (Ward 2) (Item 5.17)**

   That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 126 Augusta Street in accordance with By-Law 74-290 pursuant to Section 33 of *The Planning Act*, as amended.

18. **Amendment to the ERASE CIP and the Development of An Implementation Plan to Recognize the West Hamilton Innovation District as a Distinctive Area (PED06411) (Wards 1) (Item 8.4)**

   a) That staff consult land owners and stakeholders within the West Hamilton Innovation District as well as the general public to determine what additional municipal incentives/actions may be required to facilitate development within the district to fulfil the City’s vision for the district.
(b) That staff be directed to develop draft financial incentive programs for the West Hamilton Innovation District to complement the existing ERASE CIP programs.

c) That staff be authorized and directed to prepare and process the necessary amendments to the ERASE CIP and hold the necessary Public Meetings under the Planning Act as a result of the consultation process. These amendments will be brought forward in concert with the new Official Plan policies, Secondary Plan and Zoning By-law for the West Hamilton Innovation District.

d) That staff be directed to develop an Implementation plan for capital projects and operational initiatives relating to the West Hamilton Innovation District.

19. City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 1330 Trinity Church Road (Glanbrook) (PED06396) (Ward 11) (Item 6.2)

(a) That approval be given to City Initiative CI-06-D, for an Amendment to the Glanbrook Official Plan, to permit the severance of a surplus farm dwelling as a result of a farm consolidation notwithstanding the farm holdings do not abut each other, for lands located at 1330 Trinity Church Road, as shown on Appendix “A” to Report PED06396.

(b) That approval be given to City Initiative CI-06-D, for an amendment to Glanbrook Zoning By-law No. 464, to modify the General Agricultural “A1” Zone in order to prohibit the construction of a dwelling on the farm, for lands located at 1330 Trinity Church Road, as shown on Appendix “A” to Report PED06396, on the following basis:

(i) That the subject lands be rezoned from the General Agricultural “A1” Zone to the General Agricultural “A1-216” Zone;

(ii) That the draft By-law, attached as Appendix “B” to Report PED06396, 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 Hamilton-Wentworth Official Plan, and will be in conformity with Official Plan for the Township of Glanbrook upon finalization of proposed Official Plan Amendment No. ___.

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20. Application for Approval of a Draft Plan of Condominium Conversion, "Berkindale Manor", for Lands Located at 75 Berkindale Drive (Hamilton) (PED06398) (Ward 5) (Item 6.3)

That approval be given to Condominium Conversion Application 25CDM-CONV-06-04, by 2097242 Ontario Inc. (Al-Karim Damji), owner, to establish a Draft Plan of Condominium for 46 existing townhouse units, located at 75 Berkindale Drive (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED06398, subject to the following conditions:

(a) That this approval apply to the plan, prepared by MacKinnon & Associates, and certified by Rod Lord, O.L.S., dated July 14, 2006, showing a total of 46 residential townhouse units, attached as Appendix “B” to Report PED06398.

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

Development Planning and Engineering:

1. That the Final Plan of Condominium comply with all of the applicable provisions of the applicable Zoning By-law.

2. That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

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

4. That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

5. That the owner shall include the following warning clause in the Condominium Agreement and all purchase and sale and/or lease agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”
Bell Canada:

6. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.


That approval be given to Zoning Application ZAR-06-58, 1520896 Ontario Inc. (c/o Gilbert DiGregorio), owner, for a change in zoning from the Residential “R4-516” Zone to the Public “P-552” Zone to permit the relocation of a sanitary wastewater pumping station on Lot 86 and part of Lot 87 of Draft Plan of Subdivision 25T200401 “Southcote Woodlands”, for lands located at Part of Lot 47, Concession 3, Part 1, Registered Plan 62R-2119 (Ancaster), as shown on Schedule “A” of Appendix “D” to Report PED06406, on the following basis:

(a) That the subject lands be rezoned from the Residential “R4-516” Zone to the Public “P-552” Zone.

(b) That the draft By-law, attached as Appendix “D” to Report PED06406, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

22. Application for Approval of a Draft Plan of Condominium Conversion, "East Mount Village", for Lands Located at 423 and 425 East 42nd Street (Hamilton) (PED06401) (Ward 6) (Item 6.5)

That approval be given to Condominium Conversion Application 25CDM-CONV-06-01, by 2052093 Ontario Ltd. (Greg Romundt), owner, to establish a Draft Plan of Condominium for 12 existing townhouse units, located at 423 and 425 East 42nd Street (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED06401, subject to the following conditions:

(a) That this approval apply to the plan, prepared by Schaeffer & Dzaldov Limited, and certified by Ophir N. Dzaldov. O.L.S., dated September 18, 2006, showing a total of 12 residential townhouse units, attached as Appendix “B” to Report PED06401.
(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

**Development Planning and Engineering:**

1. That the Final Plan of Condominium comply with all of the applicable provisions of the applicable Zoning By-law.

2. That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

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

4. That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

**Bell Canada:**

5. That the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

23. Application for Approval of a Draft Plan of Condominium Conversion, "East Mount Village", for Lands Located at 387, 391, 395 and 399 East 42nd Street (Hamilton) (PED06400) (Ward 6) (Item 6.6)

That approval be given to Condominium Conversion Application 25CDM-CONV-06-01, by 2052093 Ontario Ltd. (Greg Romundt), owner, to establish a Draft Plan of Condominium for 24 existing townhouse units, located at 387, 391, 395 and 399 East 42nd Street (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED06400, subject to the following conditions:

(a) That this approval apply to the plan, prepared by Schaeffer & Dzaldov Limited, and certified by Ophir N. Dzaldov, O.L.S., dated September 18, 2006, showing a total of 24 residential townhouse units, attached as Appendix “B” to Report PED06400.
(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

Development Planning and Engineering:

1. That the Final Plan of Condominium comply with all of the applicable provisions of the applicable Zoning By-law.

2. That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

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

4. That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

Bell Canada:

5. That the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

24. Application for a Change in Zoning for a Portion of the Property Located at 126-128 Sanford Avenue North (Hamilton) (PD02075(a)) (Ward 3) (Item 6.7)

That approval be given to Zoning Application ZAC-02-10, by 1104152 Ontario Incorporated and 1186466 Ontario Limited, owners, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to the “H/S-1567” (Community Shopping and Commercial, etc.) District, Modified (Block “1”) and for a modification to the “H” (Community Shopping and Commercial, etc.) District (Block “2”), to permit an automatic car wash on a portion of the property located at 126-128 Sanford Avenue North (Hamilton), as shown on Appendix “A” to Report PD02075(a), on the following basis:
(a) That Block “1” be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H/S-1567” (Community Shopping and Commercial, etc.) District, Modified.

(b) That Block “2” be rezoned from the “H” (Community Shopping and Commercial, etc.) District to the “H/S-1567” (Community Shopping and Commercial, etc.) District, Modified.

(c) That the attached draft By-law, included as Appendix “B” to Report PD02075(a), which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.

(d) That upon finalization of the implementing By-law, the Gibson Neighbourhood Plan be amended to change the designation from “Single and Double” Residential to “Commercial”, on Block “1”, as shown on Appendix “A” to Report PD02075(a).

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

25. City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 444 Hughson Street North and a Change in Zoning for Lands Located at 400 John Street North (Hamilton) (PED06404) (Ward 2) (Item 6.9)

(a) That approval be given to City Initiative CI-04-E, City of Hamilton, owner, for an Official Plan Amendment to add a site-specific policy to the “Major Institutional” designation in the City of Hamilton Official Plan to permit a medical clinic, for lands located at 444 Hughson Street North, as shown on Appendix “A” to Report PED06404.

(b) That approval be given to City Initiative CI-04-E, City of Hamilton, owner, for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District (Block “1”) to permit a medical clinic and library, and for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District (Block “2”) to permit parking for the Hamilton-Wentworth District School Board and for the uses on Block “1”, for lands located at 444 Hughson Street North and 400 John Street North, respectively, as shown on Appendix “A” to Report PED06404, on the following basis:

(i) That Block “1” be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;
(ii) That Block “2” be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;

(iii) That the draft By-law, attached as Appendix “C” to Report PED06404, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(iv) That the proposed changes in zoning will be in conformity with Official Plan for the City of Hamilton upon finalization of proposed Official Plan Amendment No. ___, and is in conformity with Hamilton-Wentworth Official Plan.

26. City Initiative CI-06-G – Housekeeping Amendments to Comprehensive Zoning By-law (PED06385) (City Wide) (Item 6.11)

(a) That approval be given to City Initiative CI-06-G to provide housekeeping amendments to the City’s Comprehensive Zoning By-law, known as Zoning By-law 05-200, included as Appendix “A” to Report PED06385.

(b) That the attached Zoning By-law, marked Appendix “A” to Report PED06385, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on October 17, 2006 respecting map 869 be enacted by City Council.

(c) That the proposed zoning is in conformity with the Official Plans for the Region of Hamilton-Wentworth and City of Hamilton.

That subsection (b) of Item 27 was amended by referring the issue respecting the removal of the McMaster University lands to the February 6, 2007 Economic Development and Planning Committee for further consideration.

27. City Initiative - New Institutional Zoning By-law Regulations - Urban Area Only (PED06405) (City Wide) (Item 6.12)

(a) That approval be given to Official Plan Amendment No. ___ of the former Town of Ancaster Official Plan; Official Plan Amendment No. ___ of the former Town of Dundas Official Plan; Official Plan Amendment No. ___ of the former town of Flamborough Official Plan; Official Plan Amendment No. ___ of the former Township of Glanbrook Official Plan; and, Official Plan Amendment No. ___ of the former City of Stoney Creek Official Plan, as contained in Appendix “A” to Report PED06405.
(b) That approval be given to **City Initiative CI-06-H** to enact the third stage of the City’s new Comprehensive Zoning By-law known as Zoning By-law No. 05-200, attached as Appendix “B” to Report PED06405.

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

(d) That upon adoption of Official Plan Amendment Numbers ____, ____, ____, ____, and ____, the third stage of the City’s new Comprehensive Zoning By-law will be in conformity with the Ancaster, Dundas, Flamborough, Glanbrook, and Stoney Creek Official Plans.

(e) That the by-law enacting the Official Plan Amendment, attached as Appendix "A", and the Zoning By-laws, attached as Appendices "B" and "C", be held until such time that By-law 06-166 (Parks and Open Space) becomes final and binding.

28. **Clean-Up of Canadian National Railway Lands (PED05059 (a)) (Ward 4) - Referred from Planning and Economic Development Committee of August 2, 2005 (Item 12.1)**

a) That staff be authorized and directed to pay Pacific Landscaping up to $43,000 as a negotiated payment in full for the clean-up of Canadian National Railway lands to the rear of the Centre Mall on Barton Street East between Ottawa Street North and Kenilworth Street North;

b) That staff be directed to report back to Committee with a detailed chronology of the events surrounding the C.N. Railway clean up matter.

c) That staff continue to pursue the recovery of the expenses incurred and noted in recommendation (a) above from CN Rail following receipt of the staff report noted in (b) above; and,

d) And that following the consideration of this matter, the Recommendation be released while the balance of Report PED05059) shall remain Confidential.

29. **The West Harbour Ontario Municipal Board Hearing (Official Plan Amendment No. 198) (Item 12.2)**

(a) That the City of Hamilton request the Ontario Municipal Board to include the following additional policies respecting drive-through uses into the City’s West Harbour Secondary Plan (Official Plan Amendment No. 198) at the upcoming Ontario Municipal Board Hearing concerning the TDL Group Corp. (Tim Horton’s) appeal:
(i) A.6.3.3.1.25

Notwithstanding A.6.3.3.1.19 (iii) drive through facilities shall be permitted in the following areas:

(aa) the south side of Barton Street between Elgin and Wellington Streets; and,
(bb) on the north side of Barton Street between Elgin Street and Mary Street.

(ii) A.6.3.3.1.26

In addition to the Land Use Policies of this plan, the following policy shall apply:

Vehicle oriented land uses such as gas stations and other drive-through services or other uses normally classified as highway commercial will not be accommodated in the following areas:

(aa) Properties with frontage along James Street North;
(bb) Properties designated “Prime Retail Streets” on Barton Street and Pier 8.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the Agenda:

- In-camera Item 12.1 is to be heard at 12 noon.
- Added In-camera respecting the West Harbour Ontario Municipal Board Hearing added as Item 12.2
- Demolition Permit for 126 Augusta Street, PED06429 added as Consent Item 15.17
- Added Delegation Request by Joe Giglia to appear at the October 23rd, 2006 meeting added as Item 4.3
- Request by Adi Irani, A.J. Clarke to speak to Item 8.1
- Discussion Item 8.4, Amendment to the ERASE CIP and the Development of An Implementation Plan to Recognize the West Hamilton Innovation District as a Distinctive Area (PED06411) (Wards 1) moved to the Consent section and added as Item 5.18
- The Clerk advised that the Planning & Economic Development Committee meeting would be moving to Committee Room 110, after the In-Camera items which take place at 12 noon.
Members of Committee approved the agenda as amended.

Chair Pearson welcomed students from the Urban and Regional Planning Program at Mohawk College.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Planning & Economic Development Committee meeting held on October 3, 2006 were approved, as presented.

(d) Maria and Albert Kenel, respecting Stop Work Order for property at Dundas Street West, Waterdown (Item 4.1)

Members of Committee denied the delegation request and directed staff to write to the applicants to explain the City’s legal position.

(e) Stephen Fraser respecting Stone Ridge Estates (PED06369) and decision of Committee to refer the matter on October 3, 2006 (Item 8.2) (Item 4.2)

Committee agreed to consider the delegation request at the time Item 8.2 is being considered by Committee.

(f) Joe Giglia, 18 Picton Street, Hamilton Re: The Keeping of English Budgerigars (Item 4.3)

Committee approved the delegation request.

(g) 2007 Volunteer Committee Budget Submission of the Agricultural and Rural Affairs Advisory Committee (City Wide) (PED06425) (Item 5.14)

Councillor Mitchell amended the staff recommendation as follows;

(b) That the Agriculture and Rural Affairs Advisory Committee continue to exist, through the next term of Council.

Committee approved the recommendation as amended.

Council – October 25, 2006
(h) Slawa Rokicki, 14 Wood Street East, respecting noise from an air conditioner and kitchen odours from an adjacent property (Note: Delegation Request was approved by Committee on October 3, 2006) (Item 6.1)

Ms. Slawa Rokicki addressed Committee regarding her concerns with the noise from the air conditioning units and the odor from the kitchen of the adjacent Tavern.

Committee discusses the matter and directed staff to respond in writing to Ms. Rokicki regarding the results of the noise level testing and their investigations.

The Committee received the presentation by Ms. Rokicki.

Chair Pearson thanked the delegation.

(i) City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 1330 Trinity Church Road (Glanbrook) (PED06396) (Ward 11) (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.

Simon Deiaco outlined the report to Committee and explained the minor revision to the schedule.

John Ariens, Planning Initiatives, advised that they support the zoning amendment but questioned the restricted covenant and the road widening conditions.

Larry Freeman, the owner of the property, addressed Committee and explained his concerns about the requirement for the road widening dedication.

Committee discussed the matter and received further information from staff.

On a motion (Mitchell/Kelly), Committee tabled further consideration of the matter to the In-Camera session later in the meeting.

(j) Application for Approval of a Draft Plan of Condominium Conversion, “Berkindale Manor”, for Lands Located at 75 Berkindale Drive (Hamilton) (PED06398) (Ward 5) (Item 6.3)

A Public Meeting was held.

Council – October 25, 2006
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.

Jennifer Passy, Agent for the applicant, spoke in support of the staff recommendation. She further advised the Committee that the 2 vacant units have now been rented and that the taxation issues have also been addressed and will be kept current.

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

Committee approved the staff recommendation.

(k) Application for a Change in Zoning for a Portion of Lands Located on Part of Lot 47, Concession 3, Part 1, Registered Plan 62R-2119 – Southcote Road (Ancaster) (PED06406) (Ward 12) (Item 6.4)

Chair Pearson advised Committee that additional correspondence had been received this morning by Mauris Cecca, Sales representative for Coldwell Banker Pinnacle Real Estate.

Members of Committee received the correspondence.

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.

Sam Battaglia, the applicant’s agent, provided his support of the staff recommendation.

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

Committee approved the staff recommendation.

(l) Application for Approval of a Draft Plan of Condominium Conversion, "East Mount Village", for Lands Located at 423 and 425 East 42nd Street (Hamilton) (PED06401) (Ward 6) (Item 6.5)

A Public Meeting was held.

Council – October 25, 2006
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.

Councillor McHattie and Councillor Bratina both spoke regarding the City of Hamilton’s Home Save Program.

Marc Lean, agent for the applicant, spoke in support of the staff recommendation. Mr. Lean also requested additional information regarding the Home Save Program and staff confirmed that they would forward this information to him.

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

Committee approved the staff recommendation

(m) Application for Approval of a Draft Plan of Condominium Conversion, "East Mount Village", for Lands Located at 387, 391, 395 and 399 East 42nd Street (Hamilton) (PED06400) (Ward 6) (Item 6.6)

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.

Marc Lean, the applicant’s agent, provided his support of the staff recommendation and confirmed his request for information regarding the City’s Home Save Program.

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

Committee approved the staff recommendation.

(n) Application for a Change in Zoning for a Portion of the Property Located at 126-128 Sanford Avenue North (Hamilton) (PD02075(a)) (Ward 3) (Item 6.7)

Chair Pearson advised Committee that additional correspondence had been received this morning from John Culshaw.

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

Greg Macdonald outlined the report to Committee.

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

Committee approved the staff recommendation.

(o) Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5) (Item 6.8)

Chair Pearson advised Committee that additional correspondence had been received this morning from Edward Santini and family.

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.

James Webb, the applicant’s agent, noted his support for the staff recommendation. He provided members of Committee with background information regarding the application.

Mr. Webb asked Committee to support the application and advised that further consultation would be held with the Ward Councillor, staff and the area residents, prior to the next Council meeting.

Beatrice Jeffery provided comments regarding inadequate parking and how it causes problems within the neighborhood. Ms. Jeffery encouraged members of Committee to include adequate parking in all the new developments.

Councillor Collins, Ward Councillor spoke to the concerns raised in Edward Santini’s letter and asked that the application be tabled until the next Council meeting in order to allow additional time to meet and resolve some of the issues raised.

On a motion (Kelly/Merulla), Committee tabled the application until the Council meeting scheduled on October 25th, 2006.
(p) City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 444 Hughson Street North and a Change in Zoning for Lands Located at 400 John Street North (Hamilton) (PED06404) (Ward 2) (Item 6.9)

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.

David Samis outlined the report to Committee.

Beatrice Jeffery asked Committee to maintain the walkthrough on Picton Street. She also asked whether the medical services will include a Methadone clinic since this would be inappropriate near the schools.

Elizabeth Beader, Executive Director, North Hamilton Community Centre addressed Committee in favor of the proposal. She explained that the clinic is not planning to offer Methadone services at this time as it is not on their work plan.

Committee approved the staff recommendation.

(q) Applications to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law and for Approval of a Draft Plan of Subdivision on the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (PED06419) (Ward 11) (Item 6.10)

Chair Pearson advised Committee that additional correspondence had been received this morning from the following residents, all in support of the residential proposal;

Assunta and Linda Andreatta, 1227 Barton Street E., Winona
Anita Andreatta, 1227 Barton Street E., Winona
Anne Marie Andreatta Heywood, Winona
Abby Andreatta, Winona
Heather & Wayne Kelly, 47 Nappa Lane, Stoney Creek
Susan & Mike White, 9 West Avenue, Stoney Creek
Drago & Millica Radisci, 1188 Barton Street E, Stoney Creek
Richard Zaagrodzki, 1224 Barton Street, Stoney Creek
Linda Preston, Winona
Jean & Roger Massi, 40 West Street, Winona
Antonietta Boria, 41 West Street, Winona
Ald Sales & Service, Winona Road & Barton Street
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.

Gred Macdonald outlined the report to Committee.

Craig Hunter, Armstrong, Hunter & Associates, agent for the applicant made a PowerPoint presentation to members of Committee. He noted that the development site was a logical choice for expansion and that extensive public consultation with the public has taken place.

Fred Losani provided background information regarding the subject property and application. He encouraged members of Committee to approve the development application.

The following residents came forward to speak in favor of the residential application:

Mario Elias, 147 Benziger Lane  
Resident, 1199 Barton Street East  
Albert Maroni, 986 Barton Street East  
Kevin Kontic, 261 King Street East  
Mike Belair, 150 Benziger Lane  
Michael Ozienko, 1193 Barton Street  
Frank Radocay, 38 Peachwood Crescent  
Sara Lange, Winona resident  
Ray Blassic on behalf of Mr. & Mrs. Blassic, 1215 Barton Street  
Antonella Pellagrini, 93 Silverlace Circle  
John Byron, 44 West Street  
Debbie Ruston, 12 Napa Lane  
Glen Law, 8 West Avenue  
Wayne Bratton, 1291 Barton Street

Those who spoke against the development:

Allan Buist, on behalf 1478742 Ontario Inc., Avatar International Realty address

Committee discussed that matter in detail and had additional information supplied by staff.

Councillor Mitchell thanked all the residents for attending the meeting this morning. He stated that the residents were not in favor of Commercial Industrial growth in the area and suggested that the City should take into consideration the views of the residents regarding the development of their community.
On a motion (Mitchell/Whitehead) Committee tabled the matter to the Planning & Economic Development Committee meeting scheduled on October 23, 2006.

Committee recessed the meeting at 1:00 p.m. in order to move the meeting to Committee Room 110.

Committee reconvened the Planning & Economic Development Committee meeting at 1:14 p.m. in Committee Room 110.

(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/Mitchell), Committee resumed in open session.

(i) Clean-Up of Canadian National Railway Lands (PED05059 (a)) (Ward 4) -Referred from Planning and Economic Development Committee of August 2, 2005 (Item 12.1)

Committee approved a motion as noted as Item 28 of the report.

Committee directed staff to provide a detailed chronology of the events surrounding the C.N. Railway clean up matter.

(ii) The West Harbour Ontario Municipal Board Hearing (Official Plan Amendment No. 198) (Item 12.2)

Committee approved a motion as noted as Item 29 of the report.

(iii) City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 1330 Trinity Church Road (Glanbrook) (PED06396) (Ward 11) (Item 6.2)

Committee confirmed that the matter had been discussed In-Camera and that staff had been given appropriate direction.

Committee then approved the original staff recommendation as noted as item 19 of the report.
(s) City Initiative CI-06-G – Housekeeping Amendments to Comprehensive Zoning By-law (PED06385) (City Wide) (Item 6.11)

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.

Al Fletcher was present to assist Committee with the report.

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

Committee approved the staff recommendation.

(t) City Initiative - New Institutional Zoning By-law Regulations - Urban Area Only (PED06405) (City Wide) (Item 6.12)

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.

Shannon Hamilton was present to assist the Committee with the report.

John Ariens, P.E.I.L., raised a concern regarding the zoning of Residential Care Facilities, specifically in regards to the V.O.N. on Wellington Street and C.C.R. Homes on George Street. He noted that the radial separation distance was still a problem as Care Facilities vary to the type of group home. He requested that the City revisit this area of the regulation.

Committee discussed the matter and staff provided additional information.

Councillor McHattie suggested that McMaster University be placed in a specific zone which requires engagement with the community. Committee then approved an amendment to the staff recommendation regarding McMaster University.

(u) Application for a Change in Zoning for the Property Located at 2474 Highway No. 56 (Glanbrook) (PED06205) (Ward 11) (Item 8.1)

Adi Irani provided members of Committee with an update on the application and the impacts of the proposed traffic roundabout.
Councillor Mitchell expressed his concerns that the final plans for the roundabout were not yet ready since the plans had such a direct impact on the application.

On a motion (Mitchell/Merulla), Committee tabled the application until the final roundabout plans were available for review in conjunction with the subject application.

(v) 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 8.2)

Committee did not agree to hear Adi Irani regarding the subject application.

On a motion (Whitehead/Merulla), the subject application was tabled with direction to staff to meet with all affected parities, adjacent landowners including Vito Sgro and Mrs. Farquhar.

(w) Adjournment

At 2:49 p.m. the Committee lost quorum and the meeting therefore stood adjourned.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-coordinator
Planning and Economic Development Committee
October 17, 2006