Economic Development and Planning Committee
MINUTES 10-017
Tuesday, September 7, 2010
9:30 am
Council Chambers
City Hall, 71 Main Street West,
Hamilton, Ontario

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

Absent with Regrets:
Councillor S. Duvall - ill

Staff Present:
T. McCabe, General Manager – Planning and Economic Development
B. Janssen, T. Sergi, M. Hazell, J. Spolnik, S. Robichaud, T. Lee,
N. Everson, R. Marini, J. Thompson, M. Blevins, C. Thomas,
S. Robichaud, P. Mallard, M. Pham, K. McCauley, C. Plosz,
M. House, A. Chan, C. Vidic, H. Milsome, D. Fama, C. Bell
- Planning and Economic Development
L. Pasternak, J. Wice – Legal Services
A. Rawlings – City Clerk's Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Committee of Adjustment Consent and Minor Variance Applications SC/B-10:50 and SC/A-10:112, for the Property Located at 246 Gray Road (Stoney Creek), Supported by the Planning and Economic Development Department But Denied by the Committee of Adjustment (PED10193) (Ward 10) (Item 5.1)

   (Clark/Pearson)

That Report PED10193, respecting Committee of Adjustment Consent and Minor Variance Applications SC/B-10:50 and SC/A-10:112, for the property located at 246 Gray Road (Stoney Creek), as shown on Appendix “A” to Report PED10193, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.
2. Barton Village Business Improvement Area (B.I.A.) Board of Management Resignation (PED07029(d)) (Item 5.2)

(Clark/Pearson)
That Report PED07029(d), Barton Village Business Improvement Area (B.I.A.) Board of Management Resignation, be received for information.

3. Environmental Remediation And Site Enhancement (ERASE) Redevelopment Grant Application (ERG-10-01) - 1810915 Ontario Ltd. (Nick Uhac), 120-124 King Street West, Stoney Creek (PED10161) (Ward 9) (Item 5.3)

(Clark/Pearson)

(a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-10-01, submitted by 1810915 Ontario Ltd. (Nick Uhac), owner of the property at 120-124 King Street West, Stoney Creek for an ERASE Redevelopment Grant not to exceed $922,760, payable to 1810915 Ontario Limited over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

(b) That the City enter into an ERASE Redevelopment Agreement with 1810915 Ontario Ltd. regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 120-124 King Street West, Stoney Creek ON, with such agreement to be satisfactory to the City Solicitor.

4. Amendment to ERASE Redevelopment Grant and LEED Grant Program Description and Terms (PED10200) (CITY WIDE) (Item 5.4)

(Clark/Pearson)

(a) That amendments to the ERASE Redevelopment Grant Program as described in Appendix ‘A’ to Report PED10200 be approved;

(b) That amendments to the LEED Grant Program as described in Appendix ‘B’ to Report PED10200 be approved.

5. Declaration of Surplus Lands and Sale of Easement to Union Gas Limited – Part of Jarvis Street and Car Park 8 (PED10203) (Ward 2) (Item 5.5)

(Clark/Pearson)

(a) That the subject lands, described as Part 1 on Plan 62R-18680, being part of PIN 17168-0190(R), and forming part of Jarvis Street closed by By-Law 69-17, having an area of 141.6 square metres (1,524 square feet) as shown on Appendix “A” attached to Report PED10203, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law 04-299;
(b) That an Offer to Purchase (Easement) executed by Union Gas Limited on July 5, 2010 and scheduled to close on or before October 20, 2010 for the land described in Recommendation (a) be approved and completed at the sale price of $10,325.00;

(c) That the required deposit cheque in the amount of $1,032.00, being 10% of the purchase price, be held by the General Manager of Finance pending acceptance of this transaction;

(d) That the sale price of $10,325.00 does not include the Harmonized Sales Tax; should HST be applicable and collected by the City, that the amount be credited to Account No. 22828 009000 (HST Payable);

(e) That the sum of $2,578.00 for Real Estate Administration fees in the amount $1,500 and appraisal fees of $1,078 be funded from the sale amount and credited to Account No. 45408-3560150200 (Capital - Property Purchases and Sales);

(f) That any disbursements, legal costs and expenditures of Legal Services be charged to 52425-490405 and then funded from the Parking Capital Reserve (108021);

(g) That the net proceeds from the sale be credited to Land Sales Account 47702-490405 and subsequently transferred to the Parking Capital Reserve (108021);

(h) That the Mayor and Municipal 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) That as required by Section 3 (a) of By-Law 04-299, the subject lands be declared surplus by inclusion in this report to City Council;

(ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on May 20, 2010 and the sale price falls in the range of value of the appraisal;

(iii) That in accordance with the approved method of providing notice in the City of Hamilton By-Law No. 04-299 “Procedural By-Law for the Sale of Land”, Section 12 (a) (6), notice to the public of the proposed sale of land is given by inclusion of this recommendation to City Council.
6. Temporary Delegated Authority – Hamilton Downtown Multi-Residential Property Investment Program, Hamilton Downtown Property Improvement Grant Program and Hamilton Downtown Office Tenancy Assistance Program (PED10201) (Wards 1, 2, 3) (Item 5.6)  
(Clark/Pearson)  
(a) That the General Managers of Finance and Corporate Services and Planning and Economic Development be authorized to approve loans/grants under the following financial incentive programs administered by the Downtown and Community Renewal Division on a temporary basis from October 1, 2010 until the inaugural meeting of the newly elected Council:
   i) Hamilton Downtown Multi-Residential Property Investment Program  
   ii) Hamilton Downtown Property Improvement Grant Program  
   iii) Hamilton Downtown Office Tenancy Assistance Program;  
(b) That staff from the Downtown and Community Renewal Division be directed to report back to the newly elected Council in February 2011 on details of the loans/grants that were approved by the General Managers of Corporate Services and Planning and Economic Development.

7. Licensing Requirements for Festivals and Special Events (PED10205) (City Wide) (Item 5.7)  
(Clark/Pearson)  
That Report PED10205, Licensing Requirements for Festivals and Special Events (City Wide), be received for information.

8. Suspending Enforcement Of Zoning By-Law Related To Air Conditioning Units And Pumps (PED10206) (City Wide) (Item 5.8)  
(Clark/Pearson)  
That Report PED10206, Suspending Enforcement Of Zoning By-Law Related To Air Conditioning Units And Pumps (City Wide), be received for information.

9. Application for Approval of a Draft Plan of Condominium (Common Elements), by 162215 Ontario Inc., for Lands Known as 10 Pumpkin Pass (Glanbrook) (PED10185) (Ward 11) (Item 6.2)  
(Mitchell/Pearson)  
That approval be given to Condominium Application 25CDM-201008, by 162215 Ontario Inc. (Branthaven Homes), Owner, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, amenity and landscaped areas, for 38 freehold block townhouse dwellings, on lands located at 10 Pumpkin Pass (Glanbrook), known legally as Part of Block 110, Registered Plan 62M-1128 (Fairgrounds East), as shown on the attached location map marked as Appendix “A” to Report PED10185, subject to the following conditions, as
amended by Committee on September 7, 2010, to include conditions warning of the parking provision in the development:

(a) That this approval shall apply to the plan, prepared by A.T. McLaren Ltd. and certified by S. D. McLaren, O.L.S., dated June 1, 2010, showing a common element road, visitor parking areas, amenity and landscaped areas, attached as Appendix “B” to Report PED10185.

(b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 464.

(c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-09-116), to the satisfaction of the Director of Planning.

(d) That the owner shall receive final approval of Part Lot Control Application PLC-10-020, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Manager of Development Planning.

(e) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 38 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(f) That the owner shall include the following warning clauses in the Development Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

   “Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

(g) That the owner shall agree to include on all offers of purchase and sale, a statement that advises the purchaser:

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

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

(h) That the owner shall agree to:

   (i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;
(i) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes;

(iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase; and,

(iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

(i) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

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

10. Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-201005) for Lands known as 309-369 Stonehenge Drive (Ancaster) (PED10195) (Ward 12) (Item 6.3)

(Pearson/Pasuta)

That approval be given to Condominium Application 25CDM-201005, Landmart Homes, Owner, to establish a Draft Plan of Condominium (Common Element) to create a common element condominium road and rear maintenance access for 28 freehold townhouse dwelling units on Blocks 34-36 of approved Draft Plan of Subdivision 25T-200902 “Stonehenge Drive”, located at 309-369 Stonehenge Drive (Ancaster), as shown on the attached map marked as Appendix “A” to Report PED10195, subject to the following conditions:

(a) That this approval applies to the plan prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated March 8, 2010, showing the window road and rear maintenance access labeled as Blocks 34-36, attached as Appendix “B” to Report PED10195.

(b) That the owner proves that the final plan of subdivision for “Stonehenge Drive” (25T-200902) has been registered, inclusive of Blocks 34-36, and the required cash and securities for construction of Stonehenge Drive Extension and
installation of municipal services under the Subdivision Agreement for the above noted development are provided to the City.

(c) That the owner obtains a site servicing permit from the City of Hamilton for installation of the private watermain and sewers to service the proposed townhouse development.

(d) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 87-57.

(e) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed 28 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(f) That the owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road”.

(g) That the owner agrees to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes.

(h) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

11. Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements), “Conservation Walk”, for Lands Located at 1478 Baseline Road (Stoney Creek) (PED10191) (Ward 11) (Item 6.4)

(Pearson/Mitchell)

(a) That approval be given to Draft Plan of Subdivision Application 25T-201004, by A. DeSantis Developments Ltd., Owner, to establish a Draft Plan of Subdivision, consisting of one block for Residential development, and one block for Natural Heritage Conservation Purposes, on the property located at 1478 Baseline Road, (Stoney Creek), as shown on Appendix “A” to Report PED10191, subject to the following conditions, as amended by Committee on September 7, 2010, respecting the addition of clause 9 (a), (b) and (c);

(i) That this approval apply to “Conservation Walk”, 25T-201004, prepared by A.J. Clarke and Associates Limited, and certified by Barry J. Clarke, OLS, dated December 16, 2009, showing 1 block for 60 freehold townhouse units (Block 1), and 1 block for Natural Heritage Conservation purposes (Block 2), attached as Appendix “B” to Report PED10191, subject to the
owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and the Special Conditions attached as Appendix “D” to Report PED10191; and,

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of the first building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the first building permit.

With regard to Block 1, a parkland dedication, at a ratio of 1 ha for each 300 dwelling units proposed, will be required.

With regard to Block 2, as per the definition of “Net Land Area” in Parkland Dedication By-law No. 09-124, Environmental Lands are not to be included in the calculation and are, therefore, not subject to any Parkland Dedication. However, the owner/applicant is advised that as per Section 7 of the Parkland Dedication By-law, any conveyance or dedication of said Environmental Lands shall not be considered a conveyance for park or other recreational purpose pursuant to Sections 3 to 6 of this By-law;

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 Draft Plan of Condominium Application 25CDM-201007, by A. DeSantis Developments Ltd., Owner, to establish a common element condominium for, but not limited to, private internal roadway, visitor’s parking area, and landscaped area, on the property located at 1478 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10191, and subject to the following conditions, as amended by Committee on September 7, 2010, respecting clauses (b) (ii) through d inclusive, respecting additional warning clauses;

(i) That this approval apply to the plan, prepared by A.J. Clarke and Associates Ltd. and certified by Barry J. Clarke, O.L.S., dated January 22, 2010, showing common elements for, but not limited to, a public internal roadway, visitor’s parking area, and landscaped area, attached as Appendix “C” to Report PED10191.

(ii) That the owner includes the following warning clauses in the Development Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:

a. Purchasers/Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
b. Purchasers/Tenants are advised that the common elements condominium corporation will be solely responsible for all costs associated with the operation and maintenance of the private sewage pumping station located within the development including the private sanitary forcemain sewer connecting the pumping station to the municipal sewer system.

c. The pump station will be located seven feet underground and has been designed to comply with the guidelines of the MOE with regard to noise and aroma control, but purchasers/tenants should be aware of the possibility of odours and/or noise generated from the pumping station.

d. Purchasers/Tenants are therefore advised that the common elements condominium corporation will also comply with all requests issued by the City to alter the maintenance schedule or to modify the pumping station, as necessary, to mitigate odours at the forcemain discharge to the municipal sewer system. All costs associated with the mitigation will be borne solely by the common elements corporation.

(iii) That the owner/applicant agrees to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning.

(iv) That the owner (being the future Condominium Corporation) agrees to maintain, repair, or replace the acoustic walls, as installed and shown within the final approved Site Plan DA-09-127. Any maintenance, repair, or replacement shall be with the same material and the same standards as the original.

(v) That the owner provides the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(vi) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed 60 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
(vii) That prior to the registration of the final Plan of Condominium, the Draft Plan of Subdivision, “Conservation Walk”, 25T-201004 be registered.

(viii) That the owner applies for and receives final approval of a Part-Lot Control application for the establishment of the respective building lots and/or any necessary easements and/or parts.

(ix) That the final plan of condominium complies, in all respects, with the approved Site Plan (DA-09-127), to the satisfaction of the Director of Planning.

(x) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

12. Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 4 Trinity Church Road (Hamilton) (PED10189) (Ward 6) (Item 6.5) (Pearson/Whitehead)
That approval be given to Zoning Application ZAC-10-024, by Trinity United Church, Owner, for changes in zoning to Hamilton Zoning By-law No. 6593 from the “AA” (Agricultural) District to the “G-3/S-1637” (Public Parking Lots) District, with a Special Exception, in order to permit a parking lot with 37 parking spaces for Trinity United Church (located at 10 Trinity Church Road), as shown on Appendix “A” to Report PED10189, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10189, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

(c) That the implementing By-law not be presented to Council for enactment until such time as the following is completed:

(i) Submission and approval of an Archaeological Assessment, to the satisfaction of the Director of Planning and Ministry of Culture.

(d) That upon finalization of the implementing By-law, the East Hamilton Industrial Business Park Neighbourhood Plan be amended to reflect the proposed changes.
13. Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 and City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 31 Trinity Church Road and 1824 Rymal Road (Glanbrook) (PED10190) (Ward 11) (Item 6.6)

(Pearson/Clark)
That approval be given to **Zoning Application ZAR-10-022, by Multi-Area Developments (Applicant)**, for changes in zoning to the Township of Glanbrook Zoning By-law No. 464 from the General Agricultural “A1” Zone to the Holding - General Commercial “H-C3-249” Zone, with a Special Exception (Block 1); the zoning of lands to be added to Township of Glanbrook Zoning By-law No. 464 as General Commercial “C3-249” Zone, with a Special Exception (Block 2); and for changes in zoning for lands to be added to the City of Hamilton Zoning By-law No. 05-200 by zoning Block 3 as Holding - Major Institutional (I3, H38) Zone, and Block 4 as Major Institutional (I3) Zone, in order to permit land assembly and the subsequent reconfiguration of the proposed “Institutional” and “Commercial” blocks, previously approved under City of Hamilton By-law Nos. 10-088 and 10-089, for the lands located at 31 Trinity Church Road and 1824 Rymal Road (Glanbrook), as shown on Appendix “A” to Report PED10190, on the following basis:

(a) That the draft By-law, as modified by Committee on September 7, 2010, respecting a change to the Holding provisions, and as attached as Appendix “B” to Report PED10190, and the draft by-law attached as Appendix “C” to Report PED10190, which have both been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law, attached as Appendix “B” to Report PED10190, be added to Schedule “J” of the former Township of Glanbrook Zoning By-law No. 464.

(c) That the amending By-law, attached as Appendix “C” to Report PED10190, be added to Map No. 1548 and Map No. 1593 of Schedule “A” of the City of Hamilton Comprehensive Zoning By-law No. 05-200.

(d) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

14. Application to Amend Flamborough Zoning By-law 90-145-Z for the Property Located at 15 McDonald Court / 45 Scott Street (Flamborough) (PED10188) (Ward 15) (Item 6.7)

(Pearson/Pasuta)
That approval be given to **Zoning Application ZAR-10-016, by James Pelletier, Owner**, for a modification in zoning from the Urban Residential “R1-6” Zone, Modified, to the Urban Residential R1-45” Zone, Modified, with a Special Exception, to permit single-detached dwellings on the lands located at 15 McDonald Court and 45 Scott Street (Flamborough), as shown on Appendix “A” to Report PED10188, on the following basis:
(a) That the draft By-law, attached as Appendix “B” to Report PED10188, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Section 6 of Zoning By-law No. 90-145-Z as “R1-45”.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and the West Waterdown Secondary Plan.

15. Waterdown South Secondary Plan, Urban Design Guidelines and South Waterdown Subwatershed Study (PED10171) (Ward 15) (Item 6.13)

(Pearson/Pasuta)

(a) That Official Plan Amendment No. _____ to the Regional Municipality of Hamilton-Wentworth Official Plan, to amend Map No. 4, and Official Plan Amendment No. _____ to the former Town of Flamborough Official Plan, as amended by Committee on September 7, 2010, respecting Policy A.9.3.1.6 d), be approved to adopt the Waterdown South Secondary Plan, and that the By-law, attached as Appendix “A” to Report PED10171, which has been prepared as a By-law of adoption in a form satisfactory to the City Solicitor, be enacted by Council.

(b) That the Waterdown South Urban Design Guidelines, of which only the Table of Contents and Introduction have been attached as Appendix “B” to Report PED10171 for context, be approved and adopted.

(c) That Official Plan Amendment/Modification No. _____ to the Urban Hamilton Official Plan be approved to adopt the Waterdown South Secondary Plan, attached as Appendix “C” to Report PED10171; and should Council's decision on these amendments occur prior to the final decision on the Urban Hamilton Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Urban Hamilton Official Plan and defer it until the Official Plan Amendment to the former Town of Flamborough is final and binding.

(d) That the South Waterdown Subwatershed Study, of which the Table of Contents and the Executive Summary for Phase 1, Phase 2, and Phase 3 are attached as Appendix “D” to Report PED10171 for context, be endorsed, with the following exceptions:
(i) The implementation of minimum 15 metre buffers adjacent to the Natural Heritage/Core Areas, including Environmentally Significant Areas and Areas of Natural and Scientific Interest, in any development approval processes under the Planning Act, whereas the South Waterdown Subwatershed Study recommends 5 metre buffers; and,

(ii) The retention of supporting Natural Heritage System features, such as hedgerows, that are important elements of a linked natural heritage system providing opportunities for movement of some wildlife and plant species, and that retention of such features be negotiated through any development approval processes under the Planning Act.

(e) That the General Manager of the Planning and Economic Development Department be authorized and directed to file the Subwatershed Study, upon resolution of any outstanding issues with Conservation Halton and the City of Burlington and endorsement from the respective approval authority, as per the Municipal Class Environmental Assessment (October 2000, as amended in 2007), on public record with the City Clerk for a thirty day appeal period.

16. Proposed Improvements to Property Standards By-law 03-117 (PED10204) (City Wide) (Item 8.1) (Pearson/McHattie)

(a) That the improvements to the Property Standards By-law No. 03-117, detailed in Report PED10204 to regulate minimum standards for occupancy and maintenance of properties and buildings, be approved;

(b) That the by-law attached as Appendix “A” to Report PED10204, which has been prepared in a form satisfactory to the City Solicitor and which repeals and replaces By-law No. 03-117 being a by-law to prescribe standards for the maintenance of certain buildings and properties, so that owners and occupiers provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of buildings and properties, be passed;

(c) That the following fees be approved and added to the City’s User Fees and Charges By-law:

(i) any cost incurred when the City exercises its authority to inspect under s. 15.8 of the Building Code Act, 1992;

(ii) an application fee off $110.00 for any appeal to the Property Standards Committee.
17. **Amendments to the Downtown and Community Renewal Community Improvement Plan and Related Measures (PED10199) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15) (Item 8.3)**

   (McHattie/Pearson)

   (a) That the Downtown and Community Renewal Community Improvement Plan be amended as set out in Report PED10199 and that the by-law attached to Report PED10199 as Appendix “A” be enacted;

   (b) That the terms of the new Hamilton Heritage Property Grant Program as described in Appendix “A” above be approved;

   (c) That amendments to the Hamilton Downtown Property Improvement Grant Program as described in Appendix ‘B’ to Report PED10199 be approved;

   (d) That subject to the approval of (a) above, the amendment to By-law 10-052 as amended, which delegates authority of certain loans and grants to the General Manager, Planning and Economic Development attached as Appendix ‘C’ to Report PED10199 be approved.

18. **Report 10-004 of the Task Force on Cleanliness and Security in the Downtown Core (Item 8.4)**

   (Clark/Pearson)

   That the following Recommendations from Report 10-004 of the Task Force on Cleanliness and Security in the Downtown Core be approved;

   (i) **Creative Design Strategy for Litter Containers/Cigarette Receptacles**

       That Public works staff be directed to research new creative options to increase usage of cigarette receptacles and litter containers and that they be authorized to investigate involving local artist in these projects as part of this strategy.

   (ii) **Daily Alleyway Flushing Costing Request**

       That Public Works Staff be directed to report back to the Task Force on Cleanliness and Security in the Downtown Core at their next meeting with a costing on daily alleyway flushing in the Core downtown areas.

   (iii) **Request for representation from By-law and Parking Services at Task Force meetings**

       That By-law and Parking services be requested to appoint a staff representative to attend future meetings of the Task Force on Cleanliness and Security in the Downtown Core.
(iv) **Day Long Strategic Planning Session**
That the Task Force on Cleanliness and Security in the Downtown Core be authorized to hold an all day strategic meeting for creating an action plan.

THE FOLLOWING WAS PROVIDED TO COUNCIL FOR INFORMATION:

Chair Ferguson said he was pleased to announce that the Economic Development and Real Estate Division had just been recognized twice by the world’s premier authority on Corporate Real Estate and Area Economic Development – Site Selection Magazine of Atlanta, Georgia. The Division was identified as one of Canada’s best performing economic development organizations, and ranked 5th in the country in the Top Metros for new corporate facilities.

The Chair highlighted details of the economic success stories in 2010, including Tim Hortons, Canada Bread, Max Aicher North America and Janco Steel.

The Chair noted that details of the awards were contained in handouts distributed to all Committee members this morning.

The Chair congratulated all the staff involved.

(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes to the agenda:

-the following 2 items were listed under Section 8-Discussion but are Public Hearings and should be heard under Section 6 of the Agenda. They will be considered after Item 6.13

8.1 Proposed Improvements to Property Standards By-law 03-117 (PED10204) (City Wide)

8.3 Amendments to the Downtown and Community Renewal Community Improvement Plan and Related Measures (PED10199) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15)

-Appendix B for Consent Item 5.4 Amendment to ERASE Redevelopment Grant and LEED Grant Program Description and Terms (PED10200) (CITYWIDE), was inadvertently omitted from the Agenda. Copies have been distributed this morning.
(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

On a Motion (Clark/Bratina), the Minutes of the Economic Development and Planning Committee meeting on August 9, 2010 were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Julia Kollek, 90 Victoria Street, Dundas, representing Environment Hamilton, regarding request to grow the Greenbelt as part of an Ontario-wide initiative (Item 4.1)

On a Motion (Mitchell/Pearson), Committee approved the delegation to speak at a future meeting.

(ii) Sherrie MacLean, 63 Beach Boulevard, Hamilton, respecting Beach strip property sales (Item 4.2)

On a Motion (Pearson/Mitchell), Committee received the delegation request.

(iii) Ed Fothergill requesting Committee direct staff to process the applications submitted respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove (Item 4.3)

On a Motion (Mitchell/Clark), Committee agreed to hear the delegation on October 5, 2010.

(iv) Nancy Smith. Turkstra, Mazza, requesting Committee direct staff to process the applications submitted respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove (Item 4.4)

On a Motion (Mitchell/Clark), Committee agreed to hear the delegation on October 5, 2010.
(v) Victor Veri, respecting his request for compensation for his OMB appeal to and appearance at the OMB, respecting the General Hospital parking lot (Item 4.5)

On a Motion (Clark/Pearson), Committee received the delegation request.

(vi) Fred Zipeto, 172 Luscombe Street, Hamilton, respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove (Item 4.6)

On a Motion (Mitchell/Clark), Committee agreed to hear the delegation on October 5, 2010.

(vii) Tony Simeone, Dutch Mill Country Market respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove (Item 4.7)

On a Motion (Mitchell/Clark), Committee agreed to hear the delegation on October 5, 2010.

(e) Licensing Requirements for Festivals and Special Events (PED10205) (City Wide) (Item 5.7)

Councillor Clark, Councillor Mitchell and Councillor Pearson expressed concerns regarding this type of licensing and how it would affect non-profit and charitable groups. Staff noted that there would be no enforcement this year, and that the matter is being studied. Staff will e-mail list of all people/organizations consulted thus far to Councillors, and confirmed they would talk to Stoney Creek BIA, HABIA, Stoney Creek Flag Day and Winona Peach Festival organizers.

Staff confirmed that charitable organizations are exempt.

(f) Suspending Enforcement Of Zoning By-Law Related To Air Conditioning Units And Pumps (PED10206) (City Wide) (Item 5.8)

Staff noted that this had been a Council directive. Staff will still enforce noise issues but not location issues. Any cases where appeals involved will continue, but no new enforcement action on locations.

(g) Taxi Reform Sub-Committee Minutes of June 9, 2010 (Item 5.9(a)

That the Minutes of the Taxi Reform Sub-Committee meeting of June 9, 2010 be received for information.
(h) Hamilton Municipal Heritage Committee Minutes of July 22, 2010 (Item 5.9(b))

That the Minutes of the Hamilton Municipal Heritage Committee meeting of July 22, 2010 be received for information.

(i) Gideon (Glen) McGuire Augier respecting request to waive fees respecting re-use of 53 Gibson Avenue as a multi-faith community church and addiction recovery centre (Item 6.1)

Elaine Hutchenson addressed Committee on behalf of Mr. Augier. She noted points including:

- Abba Uno is registered as a non-profit organization, charitable status has been applied for
- Church offers wide variety of programs, outreach activities, programs for various addictions
- Current building being renovated, needs new roof and more work
- Church un-funded, requesting a waiver of all fees respecting change of use, building permit applications and other required approvals.

On a Motion (Pearson/Bratina), Committee received the delegation.

Committee discussed the matter and on a Motion (Pearson/Clark), directed staff to report back on matter, said report to include:

- confirmation from Revenue Canada on the progress of the charitable status application
- details of all required applications and fees involved.

(j) Application for Approval of a Draft Plan of Condominium (Common Elements), by 162215 Ontario Inc., for Lands Known as 10 Pumpkin Pass (Glanbrook) (PED10185) (Ward 11) (Item 6.2)

Chair Ferguson 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 draft plan of condominium is approved, 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 draft plan of condominium is approved, 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 (Mitchell/Pearson), Committee dispensed with the planner's presentation.

Melanie Pham was present to assist Committee.

Shane Cooney, the applicant's agent, confirmed that he supported the staff recommendation.

Councillor Mitchell expressed concerns about the parking requirements for this type of development, since single car garages are used for storage, leaving one space on driveway and only on-street parking for visitors. He said that Binbrook had no bus service so everyone had to drive.

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

Staff noted that a Warning Clause could be added to each Offer of Purchase and Sale. A letter could be sent to the purchaser of each unit and that a clause could be added to the Condominium Agreement, regarding the limited parking. Staff also said this issue would be added to the review of residential parking in the new comprehensive by-law.

Committee approved the staff recommendation, as amended.

(k) Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-201005) for Lands known as 309-369 Stonehenge Drive (Ancaster) (PED10195) (Ward 12) (Item 6.3)

Chair Ferguson 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 draft plan of condominium is approved, 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 draft plan of condominium is approved, 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 (Mitchell/Pearson), Committee dispensed with the planner’s presentation.

Kate Mihaljevic was present to assist Committee.

George Zajac, IBI, the applicant’s agent, confirmed that he supported the staff recommendation.

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

Committee approved the staff recommendation.

Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Elements), “Conservation Walk”, for Lands Located at 1478 Baseline Road (Stoney Creek) (PED10191) (Ward 11) (Item 6.4)

Chair Ferguson 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 draft plans are approved, 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 draft plans are approved, 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 (Mitchell/Pearson), Committee dispensed with the planner’s presentation.
Alvin Chan was present to assist Committee and explained various changes being proposed to the draft plan conditions, regarding warning clauses on potential odours, and sewage matters.

Tony Sergi explained that these conditions were needed to advise purchasers of the private sewage pumping arrangements. This is not a City pumping station, so the City does not have ability to control odours.

Staff confirmed that the Warning Clauses would be placed in all Offers of Purchase and Sale.

Steve Fraser, A.J. Clarke, addressed Committee in favour of the staff recommendation. He confirmed that the clauses would be in the subdivision agreement on title of the property.

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

Councillor Clark expressed concerns that significant changes were being made at the last minute, without any time for Committee or the public to review them prior to the meeting.

Committee approved the staff recommendation, as amended.

Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 4 Trinity Church Road (Hamilton) (PED10189) (Ward 6) (Item 6.5)

Chair Ferguson 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 zoning application is approved and by-law is passed, 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 zoning application is approved and by-law is passed, 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 (Pasuta/Mitchell), Committee dispensed with the planner’s presentation.

Daniele Fama was present to assist Committee.

The applicant’s agent, Steve Fraser, A.J. Clarke, addressed Committee in support of the application.

Committee discussed the matter of pervious surfaces being used for parking lots.

Steve Robichaud advised that staff do discuss this issue with applicants. Tony Sergi added that this matter is being reviewed as part of the new development standards.

Steve Fraser added that the site does not lend itself to this kind of surface, due to the clay sub-soil. In addition, the cost and maintenance of an asphalt surface is lower.

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

Committee approved the staff recommendation.

(n) Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 and City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 31 Trinity Church Road and 1824 Rymal Road (Glanbrook) (PED10190) (Ward 11) (Item 6.6)

Chair Ferguson 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 zoning application is approved and by-laws are passed, 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 zoning application is approved and by-laws are passed, 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 (McHattie/Pearson), Committee dispensed with the planner’s presentation.

Alvin Chan was present to assist Committee and explained a change being proposed to the by-law, to eliminate a condition respecting Holding, since this has been satisfied by the applicant.

Councillor McHattie asked what the heritage features on the site were, since the matter had not been addressed by the Municipal Heritage Committee, and there was nothing in the report.

Committee requested that a staff member respond to the questions and the item was temporarily held, until a staff member was located to address the item.

Meghan House explained that the house on the property had been assessed, by an appropriate person. There was no barn and the house had been altered and thus was not considered to be worthy of preservation.

Councillor McHattie requested that, in future, comments from appropriate staff should be included in the staff report, when these led to the requirement for a condition.

Councillor Clark again expressed concern about last minute changes to by-laws being placed before Committee on the day of the meeting.

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

Committee approved the staff recommendation.

(o) Application to Amend Flamborough Zoning By-law 90-145-Z for the Property Located at 15 McDonald Court / 45 Scott Street (Flamborough) (PED10188) (Ward 15) (Item 6.7)

Chair Ferguson 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 zoning application is approved and by-law is passed, 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 zoning application is approved and by-law is passed, 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 (Mitchell/Pearson), Committee dispensed with the planner's presentation.

Tim Lee was present to assist Committee.

The applicant, James Pelletier, advised Committee he was satisfied with the staff recommendation.

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

Committee approved the staff recommendation.

Applications to Amend the City of Stoney Creek Official Plan for Lands Located at 1365 and 1367 Baseline Road, and to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1365 Baseline Road (Stoney Creek) (PED10194) (Ward 11) (Item 6.8)

Chair Ferguson 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 Official Plan Amendment is approved and by-law is passed, 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 Official Plan Amendment is approved and by-law is passed, 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.

Alvin Chan was present to assist Committee, gave an overview of the application, and explained the changes being proposed to the by-law.

Steve Fraser, A.J. Clarke, addressed Committee in support of the application.
Anil Mohan, 189 Montreal Circle, and Eugenio Gafanha, 193 Montreal Circle, addressed Committee. Their points included, but were not limited to, the following:

- major privacy issues raised by hotel, overlooking of their backyards, will cause problems
- existing fences not adequate, will fences be improved, existing fences not high enough due to grade changes in area
- told this site was residential when purchased homes, now proposed for a hotel
- presented a petition signed by 37 people, against hotel.

Committee discussed the matter and raised issues including the following:

- why is a hotel being proposed here, does City have a strategy on hotels, will this detract from hotels downtown?
- Concerns about purpose, suitability and height of fences in place
- History of site, should it really be used for a hotel, or stay as residential?
- What would be allowed under existing zoning, what height?
- What is Development Charge rate for hotels?

Steve Fraser, A.J. Clarke, addressed Committee in support of the application. His points included, but were not limited to, the following:

- proposal not intended to detract from downtown hotels, but to serve needs of travelling public
- exposure to highway, good site
- with elevation of site and QEW interchange, site not really conducive to residential land use
- until now, unaware of residents' concerns but happy to sit down with them and engage them in site plan process.

Staff provided the following information:

- fence which exists is a sound barrier, not a privacy fence, to protect outdoor amenity areas, not to address visual issues
- existing zoning would permit 2.5 storeys or 11 metres maximum height
- no overall hotel strategy but Tourism Hamilton working on a draft plan
- hotels are appropriate at key gateway locations, as well as downtown
- hotels are charged 50% of normal commercial Development Charges
- if hotel not successful, a future rezoning would be required for a further change of use, as the proposed Highway Commercial Zoning does not permit residential uses.

Chair Ferguson advised that the Public Meeting was now concluded.
On a Motion (Mitchell/Pearson), the matter was tabled for two weeks, to allow time for the Ward Councillor to meet with the residents, the applicants and staff, to review the issues raised today, in particular, the existing fences and the privacy concerns.

Councillor Clark noted that while he had supported the tabling Motion, he was not in favour of the proposed hotel at this site.

(q) **Application for a Change in Zoning for the Lands Located at 620 South Service Road (Stoney Creek) (PED10192) (Ward 10) (Item 6.9)**

Chair Ferguson 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 zoning application is approved and by-law is passed, 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 zoning application is approved and by-law is passed, 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 (Pearson/Whitehead), Committee received additional letters from:

Aldo DeSantis, Multi Area Developments

Sam Destro, Tam Lan Investments.

Matthew Blevins gave an overview of the application with the aid of a powerpoint presentation. He noted that the gas bar was already a permitted use, but that approval was needed for a drive-through and a stand alone car wash. The by-law proposes that all three uses would be allowed in conjunction with each other.

Staff confirmed that the new Industrial Zoning By-law permits gas bars in employment areas, and that this is also allowable under Provincial policy. This type of use is considered as supportive to the uses allowed in employment areas.

Chris Millar, Upper Canada Consultants, addressed Committee in support of the application. He considered that the commercial uses were appropriate to serve
the needs of the commercial area and its workers, and the site is appropriate for this use.

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

Committee discussed the matter and had additional information supplied by staff. Committee noted a number of points including the following:

- should we consider a “fine-tuning” of allowance of commercial uses in employment areas, with regard to location and accessibility
- should sites adjacent to rail lines be considered for multi-modal facilities, need to ensure that this is a possibility
- in prestige industrial areas, commercial sites should not be so visible, policy should be re-worked.

Chair Ferguson advised that the Public Meeting had now concluded.

Committee discussed the possibility of tabling the application.

On a Motion (McHattie/Clark), the item was tabled for two weeks with direction to staff to talk to the Ontario Realty Corporation (ORC) about the possibility of a land exchange between this site and the adjacent property to the north owned by ORC, and to report back.

Councillor Ferguson requested his opposition to the tabling be recorded.

**Proposed Draft Plan of Subdivision and Zoning By-law Amendment for the Cimino-D’Amico Lands (Ancaster Meadowlands Neighbourhood IV) (PED10176) (Ward 12) (Item 6.10)**

Chair Ferguson 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 draft plan is approved and by-law is passed, 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 draft plan is approved and by-law is passed, 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 presented an overview of the application using a powerpoint presentation. He explained the changes which had been made to the plan over time, and the history of the use of the land.

Committee expressed concerns about the fragmentation of the natural areas, and staff provided additional information, and noted that the Conservation Authority had signed off respecting conditions.

Ed Fothergill, the applicant’s agent, addressed Committee in support of the plan. He noted the history of the land use on the site, how the environmental issues had been dealt with, and confirmed that no wetlands were being taken out.

- noted his willingness to have matter tabled for consideration by Community Council, if needed
- noted his co-operative work with adjacent landowner.

Councillor Whitehead asked why the Conservation Authority could agree to development adjacent to an ESA on this property, but could present obstacles to location of play equipment on a property on the other side of the boundary. He noted that he would investigate this further.

On a Motion (Mitchell/Whitehead), Committee tabled the matter, in order for it to be considered by the Ancaster Community Council.

Chair Ferguson advised that the next meeting of the Community Council would be at the start of October.

Tim McCabe advised that with this timing, the matter would come back to Committee in 2011.

(s) Proposed Draft Plan of Subdivision and Zoning By-law Amendment for “Ancaster Meadows - Phase 2” (Ancaster Meadowlands Neighbourhood IV) (PED10177) (Ward 12) (Item 6.11)

Chair Ferguson 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 draft plan is approved and by-law is passed, 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 draft plan is approved and by-law is passed, 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 (Mitchell/Pearson), Committee received the additional letter from Michael Barton, Landmart Homes.

Cam Thomas was present to assist Committee, and gave an overview of the application with the aid of a powerpoint presentation. He confirmed the changes being proposed by staff.

Karl Gonnsen addressed Committee in support of the application, on behalf of his client, Paletta. He noted that he supported all the recommendations and amendments, as well as the points noted in the Landmart letter.

Mr. Gonnsen noted points including the following:

- long time frame involved in the application, on-going since 2004
- buffers around ESA have been increased from zero, to 5 metres and now 10 metres
- in Phase II a block has been added to increase the buffer adjacent to the ESA, his client respects these standards
- traffic studies completed, will implement traffic calming
- both Phases I and II considered in last spring's Phasing Report
- financial matters in place
- explained use of “Lotless Blocks”
- apologized that he had not met with Councillor Ferguson, as Ward Councillor, and advised he would be satisfied with a deferral to allow a meeting with the Ancaster Community Council, confirmed he would attend
- Phase I under construction now
- Concept site available, will bring better, larger scale, colour plans to Ward meeting.

Raymond Wilson, 927 Garner Road East, addressed Committee. His points included but were not limited to, the following:

- continuing concerns that a subdivision road placed on his land, had appeared at Committee 6 years ago to say this, concern still exists
- did not want to pay for road or give his property for it
- felt he would end up the loser, while Paletta gets benefit
- concern about precedent being set.

Staff confirmed that road on Mr. Wilson's property was conceptual.
Committee discussed the matter and had additional information supplied by staff.

Committee raised points including the following:

- concerns about ESA’s, adequate buffering, environmental matters
- concern about use of Blocks rather than showing lotting arrangements
- concerns about traffic issues.

Staff explained that satisfactory buffers were being proposed, and that ESAIEG had confirmed approval, provided additional information about “lotless blocks” and the traffic aspects of the plan.

Committee tabled the staff recommendation, pending consultation with the ACC.

Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek (PED10196) (Ward 9) (Item 6.12)

Chair Ferguson 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 Official Plan Amendment and Draft Plan are approved and by-law is passed, 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 Official Plan Amendment and Draft Plan are approved and by-law is passed, 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 (Clark/Pasuta), Committee received a letter from Tracey Lusk, 134 Aylmer Crescent, Stoney Creek.

Chris Bell was present to assist Committee and gave an overview of the application with the aid of a powerpoint presentation. He noted the various changes which had been made during the course of the application.
John Lomas, IBI, addressed Committee on behalf of the applicant, ORC. He noted support for the application and the staff report.

Steve Fraser, A.J. Clarke, addressed Committee in support of the application, on behalf of a prospective purchaser.

Committee discussed the application and had additional information supplied by staff. Points noted by Councillor Clark included:

- need peer review of landfill impact assessment
- need to have bridge at Mistywood removed, not needed
- concern over density, density has not decreased even after land dedicated to Conservation Authority
- potential of bacterial contamination on east side of Davis Creek
- concern about impact of development on conservation area.

Committee continued their discussion and noted the following:

- how can “no touch” areas be enforced, to avoid problems found elsewhere, can these be included on title of property.

The Chair confirmed that the Public Meeting had now concluded.

Committee approved the following Motion:

(Clark/McHattie)

(a) That a decision be deferred on PED10196 until applicant presents a peer review of landfill impact assessment to Economic Development and Planning Committee;

(b) That the Ward Councillor meet with applicant and staff to discuss and agree to:

(i) removal of bridge at Mistywood

(ii) extension of natural buffer on east side of Davis Creek to south of Mistywood easement to trail

(iii) lowering density of development adjacent to conservation area

(iv) appropriate warnings shall be included on title respecting possible bacterial contamination of stream, on east side of Davis Creek.

No members of the public came forward to address the Committee.
Waterdown South Secondary Plan, Urban Design Guidelines and South Waterdown Subwatershed Study (PED10171) (Ward 15) (Item 6.13)

Chair Ferguson 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 Official Plan Amendment is approved, 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 Official Plan Amendment is approved 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 (Pearson/McHattie), Committee received the following letters:

Alex Bielak, 77 Flanders Drive, Waterdown
Gail Kendall, 38 Flanders Drive, Waterdown
Ed Fothergill, Fothergill Planning and Development.

Frank Dejak, 1 Flanders Drive, Waterdown
Dimitri and Mary Benak, 69 Flanders Drive, Waterdown
Greg Fraleigh, 1 Hamilton Street South, Waterdown
Mary Allan, 34 Flanders Drive, Waterdown

City of Burlington staff comments to Burlington Community development Committee

C. Roy James, 56 George Street, Waterdown,
James Webb, 244 James Street South, Hamilton,
Mary Allan, 34 Flanders Drive, Waterdown,
Nancy Mercanti, 13 Rosecliffe Place Waterdown,
Alex Bielak, 77 Flanders Drive, Waterdown,
Dimitri Benak, 69 Flanders Drive, Waterdown,

Kirsten McCauley gave an overview of the matter with the aid of a powerpoint presentation. Cathy Plosz provided an overview of the Sub-Watershed Study. Ms. Plosz explained the two areas where staff needed changes to the study:

- consultants had recommended 5 metre buffers, staff consider the buffers should be larger, being 15 metres from ESA and ANSI, and 15 metres from Grindstone Creek hazards.

In addition, hedgerow protection is needed.

Paul Lowes, Sorenson, Gravely, Lowes, the City’s consultant, then gave an overview of the Secondary Plan. Points noted included the following:

- long process, over 6 years, many Public Information sessions, detailed public engagement
- road pattern includes “character road” concept
- low density and larger lots adjacent to Flanders Drive, lots will be similar width but cannot be the same, as lot sizes on Flanders vary
- Plan will have 2 schools, 3 parks
- Minor change in Appendix “A”, where 20 metre road right-of-way should be 26 metres.

Staff confirmed that the buffers and hedgerows had been included in the Secondary Plan.

Greg Fraleigh, 265 Mill Street South, addressed Committee. His points included, but were not limited to, the following:

- representing his family, live on corner Mill/Mountain Brow, request road be redesigned to have a minimum distance of 4 feet from gateposts to road, to be included in detail design of roadway
- concern about preservation of hedgerows adjacent to this property
- concern about wording in Plan, Mountain Brow already a local road, but being described as arterial.

Paul Lowes advised that Mr. Fraleigh’s property was outside Secondary Plan Area.

Roy James, 56 George Street, Waterdown, addressed Committee. His points included, but were not limited to, the following:

- showed Committee a powerpoint presentation respecting the stream adjacent to this property. A copy of his booklet had been distributed to Committee.
- Concerned that creek producing physical erosion which should be controlled.
Frank Dejak, 1 Flanders Drive, addressed Committee. His points included, but were not limited to, the following:

- concern about road design, concern that Mountain Brow Road will be a 2 lane arterial, then a character road
- want to be involved in detailed road design
- intersection of Flanders/Mountain Brow has a stop sign, not always obeyed, still potential for accidents.

Dimitri Benak, 69 Flanders, addressed Committee. His points included, but were not limited to, the following:

- how will two lane Mountain Brow and 4 lane Waterdown Road integrate?
- Only area of Waterdown where a 4 lane arterial being incorporated into a neighbourhood
- Want road width capped at 60 feet.

James Webb addressed Committee on behalf of an area landowners, respecting the Plan.

No further members of the Public came forward to address Committee.

Councillor Margaret McCarthy, Ward Councillor for Ward 15, addressed Committee in support of the proposed Secondary Plan. She noted that it had been a long process and that most people are happy to have the Secondary Plan moving forward. She thanked staff, the public, and the developers involved in the process.

(v) **Proposed Improvements to Property Standards By-law 03-117 (PED10204) (City Wide) (Item 8.1)**

The Chair advised that this meeting had been advertised, pursuant to the Municipal Act. The Clerk confirmed that no one had registered to speak.

On a Motion (McHattie/Clark), the presentation was waived.

Carmela Vidic explained a minor typo in the by-law.

Committee approved the staff recommendation, as amended to fix the typo.
On a Motion (Pearson/McHattie), the following staff Recommendation was placed on the floor:

a) That, as part of the 2011 Budget process, consideration be given to allocating 10% of the Hamilton Municipal Parking System’s net operating surplus to Business Improvement Areas regulated by paid parking to a maximum of $250,000;

b) That the Policy and Procedure for Revenue Sharing of Hamilton Municipal Parking System’s Net Annual Operating Surplus with Hamilton’s Business Improvement Areas attached as Appendix “A” to Report PED06003(a) be adopted;

c) That Business Improvement Areas which chose not to participate in the Sharing of Parking Revenue Program continue to receive a contribution to their annual operating budget through the Downtown and Community Renewal Division’s Account 56905-815015 in accordance with the existing formula previously approved by HABIA;

d) That the Downtown and Community Renewal Division retain the sum of $82,720 in its annual operating budget under Account Number 56905-815015 for the purpose of a guaranteed minimum to share with the BIAs should the Hamilton Municipal Parking System’s net operating surplus be deficient and for the use of BIAs that elect not to participate in the Sharing of Parking Revenue Program and, upon the determination of funds required under Account Number 56905-815015, the use of the surplus funds be subject to the discretion of the General Manager of Finance and Corporate Services;

e) That a BIA Sharing of Parking Revenue Reserve be established for the purpose of placing unspent funding for future use by the BIAs in accordance with the Policy and Procedure identified in (a) above; and,


On a Motion (Clark/Pearson), the staff presentation was waived.

Hazel Milsome was present to assist Committee.
Councillor Clark expressed his concern with the proposed policy changes. He noted that BIAs are paid for through a levy, and this should not change. He expressed opposition to the staff proposal, which he considered not in accord with Provincial policy, and said Stoney Creek BIA is totally against such changes, and HABIA does not speak for all BIAs.

Staff explained their rationale.

Councillor McHattie expressed his concerns about the changes being proposed, since the recommendation moves away from the levy model, and changes the current position. He considered that the additional revenue should be invested in parking.

Councillor McHattie requested that staff help him with a letter to be sent to the Merchants in his area, to explain what the City’s position is. Marty Hazell agreed to assist with the letter.

Chair Ferguson vacated the Chair to Councillor Pasuta.

Councillor Ferguson expressed his concerns about the staff proposal, and the lack of clarity.

Chair Ferguson resumed the Chair.

Councillors Pearson and Whitehead also expressed concerns about the wording.

Committee continued their discussion on the issue, and looked at alternative revised wordings for the recommendations, to address the concerns they had raised.

Committee agreed that with these changes, the staff recommendation should be acceptable.

Committee then agreed that staff should take the information expressed today and craft a revised Motion, for consideration at Council.

(x) Amendments to the Downtown and Community Renewal Community Improvement Plan and Related Measures (PED10199) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15) (Item 8.3)

Chair Ferguson 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 Official Plan Amendment is approved, and the by-law passed,
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 Official Plan amendment is approved and the by-law passed, 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 (McHattie/Pearson), the staff presentation was waived.

No one came forward to address Committee.

Committee approved the staff recommendation.

(y) Report 10-004 of the Task Force on Cleanliness and Security in the Downtown Core (Item 8.4)

The recommendations from Report 10-004 of the Task Force on Cleanliness and Security in the Downtown Core were approved by Committee. (see Item 18)

(z) MOTIONS (Item 9)

None

(aa) NOTICES OF MOTION (Item 10)

Councillor Whitehead proposed the following Notice of Motion:

**Proposed Seniors’ residence at Eaglewood Drive**

Whereas the YWCA has approved stimulus funding for a non-profit development for developmentally handicapped seniors at Eaglewood Drive;

Whereas this project is time sensitive as it has a substantial completion date of March 31, 2011 under the Stimulus Program;

Whereas the project has a required tendering and construction ready date of October 2010, in order to meet the required substantial completion date of March 31, 2011;
Whereas the funding approved under the stimulus program of $900,000 is capped and may not be sufficient to meet all associated costs, including development charges;

Therefore, that the proposed YWCA non-profit development for developmentally handicapped seniors at Eaglewood Drive be exempted from development charge liability, forecast at $50,400, unless the accepted bid and associated charges for this development comes in under the proposed government grant amount.

Councillor Whitehead moved to waive the Rules of Procedure in order that that the matter be moved to become a Motion.

There was no seconder.

The Chair confirmed that the matter would be included on the next Agenda.

(bb) GENERAL INFORMATION (Item 11)

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

Mr. McCabe gave an update on recent OMB activity.

(cc) PRIVATE AND CONFIDENTIAL (Item 12)

MC2 Homes, 203 Parkside Drive Waterdown 25T 200709, ZAC 07-060 (Item 12.1)

On a Motion, Committee moved into Closed Session to consider an item which is before the OMB and subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City, and with respect to MC2 Homes, 203 Parkside Drive, Waterdown.

Committee reconvened in Open Session at 12:45 pm.

Chair Ferguson advised that the Committee had met in Closed Session to receive advice from legal counsel respecting this OMB hearing. There is nothing further to report at this stage.
(dd) ADJOURNMENT (Item 13)

On a Motion (Pearson/Mitchell) the meeting adjourned at 5:20 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
September 7, 2010