Economic Development and Planning Committee
MINUTES 08-024
Tuesday, December 2, 2008
9:30 am
Albion Room, Hamilton Convention Centre
1 Summer’s Lane
Hamilton

Present: Chair T. Whitehead
Councillors: B. Bratina, S. Duvall, L. Ferguson,
B. McHattie, D. Mitchell, R. Pasuta, and M. Pearson,

Absent
With regrets: B. Clark - Personal business

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
P. Mallard, T. Sergi, B. Janssen, J. Spolnik, S. Robichaud,
M. Hazell, C. Bell, C. Thomas, V. Ormond, M. Pham,
N. Everson, T. Arnold, D. Falletta, D. McPhail, G. Macdonald -
Planning and Economic Development
A. Zuidema – Legal Services
A. Rawlings, Co-ordinator, I. Bedioui - City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Confirmation of Appointment of Chair of the Economic Development and
Planning Committee for 2009
(Mitchell/Pearson)
That Councillor Maria Pearson be confirmed as Chair of EDP Committee for
2009.

CARRIED

2. Appointment of Vice Chair of the Economic Development and Planning
Committee for 2009
(Pearson/Mitchell)
That Councillor Lloyd Ferguson be confirmed as Vice Chair of EDP Committee
for 2009.

CARRIED
3. **Appointment of Second Vice Chair of the Economic Development and Planning Committee for 2009**  
   (Duvall/McHattie)  
   That the appointment of a Second Vice Chair of the Economic Development and Planning Committee for 2009 be referred to Council for consideration.  
   CARRIED

4. **Demolition Permit – 1094 Wilson Street East (Ancaster) (PED08274) (Ward 12) (Item 5.1)**  
   (Ferguson/Pearson)  
   That the Director of Building Services be authorized and directed to issue a demolition permit for 1094 Wilson Street East in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.  
   CARRIED

5. **Information Report - Status of the Lottery Licensing By-law to Address Changes by the Alcohol and Gaming Commission (AGCO) Respecting Bingo Licensing (PED07130(a)) (City Wide) (Item 5.2)**  
   (Mitchell/Duvall)  
   (a) That Report PED07130(a) respecting the status of the Lottery Licensing By-law to Address Changes by the Alcohol and Gaming Commission respecting Bingo Licensing be received for information.  
   (b) That the comprehensive recommendation report respecting Bingo Licensing Fees deferred pending the completion of the City Wide Cost Allocation Review be completed in the second quarter of 2009.  
   CARRIED

6. **Adjustments to School Crossing Guard Locations Resulting from School Closures and Boundary Changes (Wards 1, 2, 3, 4, 5, 6, 9, 10 & 11) (PED08270) (Item 5.3)**  
   (Mitchell/Duvall)  
   (a) That the revised list of school crossing guard locations resulting from the school closures, re-openings and boundary changes in Wards 1, 2, 3, 4, 5, 6, 9, 10, and 11 attached hereto as Appendix “A” to Report PED08270, 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 City 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 2008/2009 school year.  
   CARRIED
7. Mayor’s Luncheon Series (PED08277) (City Wide) (Item 5.4)  
   (Mitchell/Duvall)  
   That Report PED08277, Mayor’s Luncheon Series, be received for Information.  
   CARRIED

8. Committee of Adjustment Minor Variance Application GL/A-08:205 for the  
   Property Located at 2053 Hendershot Road, Glanbrook - Supported by the  
   Planning and Economic Development Department (PED08290) (Ward 11)  
   (Item 5.5)  
   (Mitchell/Duvall)  
   That Report PED08290, respecting Committee of Adjustment Minor Variance  
   Application GL/A-08:205, for property located at 2053 Hendershot Road,  
   Glanbrook, as shown on Appendix “A” to Report PED08290, denied by the  
   Committee but supported by the Planning and Economic Development  
   Department, be received for information.  
   CARRIED

9. Committee of Adjustment Severance Application FL/B-08:105 for the  
   Property Known as 236 Parkside Drive, Flamborough - Supported by the  
   Planning and Economic Development Department but Denied by the  
   Committee of Adjustment (PED08308) (Ward15) (Item 5.6)  
   (Mitchell/Duvall)  
   That Report PED08308, respecting Committee of Adjustment Severance  
   Application FL/B-08:105, for the property known as 236 Parkside Drive,  
   Flamborough, as shown on Appendix “A” to Report PED08308, supported by the  
   Planning and Economic Development Department, but denied by the Committee  
   of Adjustment, be received for information.  
   CARRIED

10. Demolition Permit – 27 Southmeadow Crescent (Stoney Creek) (PED08294)  
    (Ward 10) (Item 5.7)  
    (Mitchell/Duvall)  
    That the Director of Building Services be authorized and directed to issue a  
    demolition permit for 27 Southmeadow Crescent (Stoney Creek) in accordance  
    with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended,  
    subject to the following conditions:  
    
    (a) That the applicant has applied for and received a building permit for a  
        replacement building on this property; and,  

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

    (c) That the said building permit for the replacement building specifies if such  
        replacement building is not erected within the said two year time limit, that
the City be paid the sum of $20,000; and, the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (d)) in a form satisfactory to the acting Director of Building and Licensing and to the Director of Legal Services and Corporate Counsel; and,

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

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

CARRIED

11. Demolition Permit – 971 Courtland Drive (Ancaster) (PED08295) (Ward 12) (Item 5.8) (Mitchell/Duvall)
That the Director of Building Services be authorized and directed to issue a demolition permit for 971 Courtland Drive (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000; and, the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (d)) in a form satisfactory to the acting Director of Building and Licensing and to the Director of Legal Services and Corporate Counsel; and,

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

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

CARRIED

12. Demolition Permit – 221 & 223 Lottridge Street (PED08296) (Ward 3) (Item 5.9)
   (Mitchell/Duvall)
   That the Director of Building Services be authorized and directed to issue demolition permits for 221 & 223 Lottridge Street in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.
   CARRIED

13. Demolition Permit – 36, 38 & 42 Sunnyhurst Avenue (Stoney Creek) (PED08298) (Ward 11) (Item 5.10)
    (Mitchell/Duvall)
    That the Director of Building Services be authorized and directed to issue demolition permits for 36, 38 and 42 Sunnyhurst Avenue (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.
    CARRIED

14. Demolition Permit – 2651 Regional Road 56, 2660 Binbrook Road East & 2668 Binbrook Road East (Glanbrook) (PED08301) (Ward 11) (Item 5.11)
    (Mitchell/Duvall)
    That the Director of Building Services be authorized and directed to issue demolition permits for 2651 Regional Road 56, 2660 Binbrook Road East & 2668 Binbrook Road East (Glanbrook) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.
    CARRIED

15. Hamilton Downtown Residential Loan Program – 80 King William Street (RL03/05) (PED08297) (Item 5.12)
    (Mitchell/Duvall)
    That Report PED08297, Hamilton Downtown Residential Loan Program – 80 King William Street, be received for Information.
    CARRIED
   (a) That the 2009 operating budget for the International Village B.I.A. (attached as Appendix ‘A’ to Report PED08293) be approved in the amount of $145,000.
   (b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2009 budget as referenced in sub-section (a) above.
   (c) That the following schedule of payments for 2009 be approved:
      
      | Month   | Amount |
      |---------|--------|
      | January | $72,500|
      | June    | $72,500|

      Assessment appeals may be deducted from the levy payments.  
      CARRIED

17. Information Report - Status of the Implementation and Enforcement of the Hamilton Sign By-law (PED05172(e)) (City Wide) (Item 5.14) (Mitchell/Duvall)
   (a) That Report PED05172(e) respecting the Status of the Implementation and Enforcement of the Hamilton Sign By-law be received for information.
   (b) That the comprehensive recommendation report respecting Sign By-Law No. 06-243 be deferred until April 2009 to allow for the conclusion of a pending Court application on the City’s new Sign By-law.  
      CARRIED

18. Building Permit Issuance and Inspections (PED08313) (City Wide) (Item 5.15) (Mitchell/Duvall)
   That Report PED08313, Building Permit Issuance and Inspections, be received for Information.  
   CARRIED

19. Application for an Amendment to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for the Properties Located at 1081, 1091, 1097 and 1105 Beach Boulevard (Hamilton) (PED08288) (Ward 5) (Item 6.2) (Ferguson/McHattie)
   (a) That approval be given to **Official Plan Amendment Application OPA-06-25, by Fishermen’s Pier Inc., Owner**, for Official Plan Amendment No. _____, to amend Schedule ‘A’, General Land Use Plan of the City of Hamilton Official Plan from “Open Space” to “Residential”, for the lands
located at 1081, 1091, 1097 and 1105 Beach Boulevard (Hamilton), as shown on Appendix “A” to Report PED08288, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED08288, be adopted by City Council.

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

(b) That approval be given to Zoning Application ZAC-06-98, by Fisherman’s Pier Inc., Owner, for a change to Zoning By-law No. 6593, from the “H/S-1435” (Community Shopping and Commercial, Etc.) District, to the “RT-30-H” (Street Townhouse - Holding) District, to permit the construction of two street townhouse blocks, each consisting of six, 2-storey units, for a total of 12 units, for lands located at 1081, 1091, 1097 and 1105 Beach Boulevard, as shown on Appendix “A” to Report PED08288, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED08288, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act to the subject lands by introducing the ‘H’ Holding symbol as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such a time as all of the following have been completed:

(1) That the Owner submits and receives approval of an Archaeological Assessment, to the satisfaction of the City’s Manager of Community Planning and the Ministry of Culture.

(2) That the Owner submits and receives approval of an acoustical report that will determine and implement noise control measures that meet the Ministry of the Environment’s recommended sound level limits, to the satisfaction of the City’s Manager of Development Planning.

(3) That the Owner submits and receives approval of a Record of Site Condition, to the satisfaction of the City’s Manager of Development Planning, which will include acknowledgement of receipt of the RSC by the Ministry of the Environment (MOE) and submission of the City of Hamilton’s current RSC administration fee.
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(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will be in conformity with the Hamilton Official Plan upon approval of Official Plan Amendment No. _____.

(iv) That upon finalization of the implementing By-law, the Hamilton Beach Neighbourhood Plan be amended to change the designation from “Tourist Commercial” to “Attached Housing”.

CARRIED

20. Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9) (Item 6.3) (Pearson/McHattie)

(a) That approval be given to Draft Plan of Subdivision Application 25T-200722, by Carriage Gate Homes Inc., Owners, to establish a draft plan of subdivision known as “Mountain Garden”, on lands located within Part of Lot 25, Concession 8 (Saltfleet), in the former City of Stoney Creek, as shown on Appendix “A” to Report PED08292, subject to the following conditions:

(i) That this approval apply to “Mountain Garden”, 25T-200722, prepared by PEIL Ltd. (now IBI Group), and certified by Dan McLaren, O.L.S., dated December 20, 2007, as red-line revised by revision 1, dated September 22, 2008, showing 61 lots (Lots 1-61) for single detached dwellings, 3 street townhouse blocks (Blocks 62-64), 1 group townhouse block (Block 65), the extension of Highgate Drive (Street “C”), and the creation of 2 additional public roads (Streets “A” and “B”), attached as Appendix “C” to Report PED08292, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D” to Report PED08292;

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

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1 - 61) within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit. Payment of Cash-in-Lieu of Parkland for Blocks 62-65 will be calculated in accordance with the City’s Parkland Dedication By-law currently at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first building permit;
all in accordance with the financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

(b) That approval be given to **Official Plan Amendment Application OPA-07-032, by Carriage Gate Homes Inc., Owners**, for Official Plan Amendment No. to amend Schedule “A3”, Secondary Plan - West Mountain Planning District, Heritage Green from “Elementary School” to “Low Density Residential” (Block 1) and “Medium Density Residential” (Block 2), and from “Low Density Residential” to “Medium Density Residential” (Block 3) of the Official Plan for the City of Stoney Creek, for the lands located within Part of Lot 25, Concession 8 (Saltfleet), as shown on Appendix “A” to Report PED08292, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED08292, be adopted by City Council.

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

(c) That approval be given to **Zoning Application ZAC-07-106, by Carriage Gate Homes Inc., Owners**, for changes in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-35” Zone (Block 1), Single Residential “R4-23” Zone (Blocks 2 and 6), and Multiple Residential “RM2-16” Zone (Blocks 3 and 7); from the Single Residential “R2” Zone to the Single Residential “R4-23” Zone (Block 4); and from the Single Residential “R3” Zone to the Single Residential “R4-23” Zone (Block 5), as shown on Appendix “B” to Report PED08292, on the following basis:

(i) That the draft By-law, attached as Appendix “F” to Report PED08292, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 16 of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment No.
(d) That upon finalization of Official Plan Amendment No. _____, and the implementing Zoning By-law, the approved Highland Neighbourhood Plan be amended to reflect the revised designations and road pattern.

CARRIED

21. Applications for an Amendment to the City of Stoney Creek Official Plan and Zoning By-law Nos. 3692-92 and 05-200, for the Property Known as 1478 Baseline Road (Stoney Creek) (PED08258) (Ward 11) (Item 6.4) (Mitchell/Pearson)

(a) That approval be given to Official Plan Amendment Application OPA-06-14, by Hamilton Conservation Authority, Owner, for Official Plan Amendment No. _____, to amend Schedule ‘A’, General Land Use Plan, from “Rural Lakeshore” to “Residential” and “Open Space”; and to include lands in Schedule ‘A4’, Urban Lakeshore Area Secondary Plan, and designate the lands as “Medium Density Residential” and “Natural Open Space”; and to amend Schedule ‘E’ to incorporate the lands in the Urban Lakeshore Planning District, of the Official Plan for the former City of Stoney Creek, for the lands located at 1478 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED08258, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08258, be adopted by City Council.

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

(b) That approval be given to Zoning Application ZAC-06-54, by Hamilton Conservation Authority, Owner, for changes in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3” Zone and Conservation/Hazard Land (P5) Zone to permit the development of townhouse dwellings on the lands located at 1478 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED08258, on the following basis:

(i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED08258, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of OPA No. _____.
(c) That upon finalization of the implementing By-laws, the Fifty Point Neighbourhood Plan be amended to include and designate the lands “Medium Density Residential” and “Open Space”.

CARRIED

22. Application to Amend the Hamilton Zoning By-law for Property Located at 85 Robinson Street (PED08305) (Ward 2) (Item 6.5) (Mitchell/Pearson)

That approval be given to amended Zoning Application ZAC-08-032, Dundurn Property Management, Owner, for a change in zoning from the “RT-30/S-1547a” (Street Townhouse) District, to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, to permit an apartment building complex consisting of 3 buildings, comprising a total of 156 apartment dwelling units, for the lands located at 85 Robinson Street, as shown on Appendix “A” to Report PED08305, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED08305, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

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

CARRIED

23. Applications for Approval of a Draft Plan of Subdivision, “Woodland Manor”, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 437 Wilson Street East (Ancaster) (PED08306) (Ward 12) (Item 6.6) (Ferguson/Pearson)

That Report PED08306 respecting Applications for Approval of a Draft Plan of Subdivision, “Woodland Manor”, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 437 Wilson Street East be TABLED until the January meeting in order to allow the applicant time to meet with the Hamilton Conservation Authority and to allow staff to confirm that the heritage features of the proposal can be guaranteed.

CARRIED

24. Bill 51 Implementation - CITY WIDE Amendments to the Official Plans of the City of Hamilton, Amendments to the Site Plan By-law, and Establishment of a Formal Consultation By-law (PED08291) (City Wide) (Item 6.7) (McHattie/Pearson)

(a) That approval be given to the following Official Plan Amendments as amended by Committee on December 2, 2008;
(i) No. to the Official Plan of the former Regional Municipality of Hamilton-Wentworth, to add policies which establish submission requirements for complete Planning Act applications and require formal consultation prior to the submission of such applications;

(ii) No. to the Official Plan of the former Town of Ancaster, to add policies which require formal consultation and establish submission requirements for complete Planning Act applications, and allow the municipality to include additional site design considerations in the review of development;

(iii) No. to the Official Plan of the former Town of Dundas, to add policies which require formal consultation and establish submission requirements for complete Planning Act applications, and allow the municipality to include additional site design considerations in the review of development;

(iv) No. to the Official Plan of the former Town of Flamborough, to add policies which require formal consultation and establish submission requirements for complete Planning Act applications, and allow the municipality to include additional site design considerations in the review of development;

(v) No. to the Official Plan of the former Township of Glanbrook, to add policies which require formal consultation and establish submission requirements for complete Planning Act applications, and allow the municipality to include additional site design considerations in the review of development;

(vi) No. to the Official Plan of the former City of Hamilton, to add policies which require formal consultation and establish submission requirements for complete Planning Act applications, and allow the municipality to include additional site design considerations in the review of development; and,

(vii) No. to the Official Plan of the former City of Stoney Creek, to add policies which require formal consultation and establish submission requirements for complete Planning Act applications, and allow the municipality to include additional site design considerations in the review of development.

(b) That City Council request the Ministry of Municipal Affairs and Housing to modify the Council adopted Rural Hamilton Official Plan, attached as Appendix “B” to Report PED08291, to add policies which establish submission requirements for complete Planning Act applications; to require formal consultation prior to the submission of such applications;
and to allow the municipality to include additional site design considerations in the review of development proposals.

(c) That the City Clerk forward the requested modification in Recommendation (b) above, to the Ministry of Municipal Affairs and Housing once the amendments to the Regional and Area Municipal Official Plans in Recommendation (a) above are final and binding.

(d) That approval be given to the **Formal Consultation By-law**, which requires that prior to the submission of an application, formal consultation with City staff shall be required for persons intending to make application to the City for the following Planning Act applications: Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan; and which also delegates to the Director of Planning and his or her designates, the authority to determine completeness of development applications and the giving of notice of a complete application.

(i) That the draft By-law, attached as Appendix “C” to Report PED08291, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.

(e) That approval be given to amend Site Plan Control By-law No. 03-294, to require formal consultation with City staff for persons intending to make application to the City for a Site Plan prior to the submission of an application, and to permit the municipality to include additional site design considerations in the review of development.

(i) That the draft By-law, attached as Appendix “D” to Report PED08291, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.

25. **Public Meeting respecting change to Licensing By-law (Taxi cab cameras)**
(As directed by Council, November 17, 2008) (Item 6.8)
(Mitchell/McHattie)
That the by-law respecting the amendments to change to Licensing By-law, with respect to Taxi cab cameras be forwarded to Council for approval.

**CARRIED**

26. **Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Property Located at 1194 Scenic Drive (Ancaster) (PED08267) (Ward 12)**
(Item 8.1)
(Ferguson/Pasuta)
That the Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Property Located at 1194 Scenic Drive (Ancaster) be forwarded to City Council for disposition:
"That Approval be given to **Amended Zoning Application ZAR-08-001, by Kuldip Swan, Owner**, for a change in zoning from the Agricultural “A” Zone to the Residential “R1-582” Modified Zone, to permit a day nursery for 38 children within an existing single detached dwelling at 1194 Scenic Drive, as shown on Appendix “A” to Report PED08267, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08267, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to Council for enactment until the Owner makes satisfactory arrangements with the Hamilton Conservation Authority to resolve the existing eave encroachment on their lands, to the satisfaction of the Manager of Development Planning.

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

**CARRIED**

27. **Declaration of Surplus Property – Proposed Land Exchange between City of Hamilton and 810306 Ontario Inc. (Angelo Paletta) of Development Lands in the Former Township of Glanbrook, now in the City of Hamilton (PED08271) (Wards 7 and 11) (Item 12.1)** *(Pearson/Ferguson)*

(a) That Council support an exchange of lands between the City of Hamilton and 810306 Ontario Inc. (Angelo Paletta) as set out in Report PED08271.

(b) That vacant lands municipally known as 1615 Upper Sherman Avenue, identified as Part of Lot 8, Concession 8, of the former Township of Glanbrook, now in the City of Hamilton, designated as Part 3 on Plan 62R-6191 (forming part of the Eleanor Neighbourhood as shown as Appendix “A” to Report PED08271) having an area of approximately 0.182 hectares (0.45 acres), be declared surplus to the requirements of the City.

(c) That the balance of Report PED08271 remain Private and Confidential at this time, until final disposition by Council.

**CARRIED**


(a) That Council support an exchange of lands between the City of Hamilton and Nebo Group (2006) Inc. (Casimir Banas) as set out in Report PED08302.
(15)
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(b) That the balance of Report PED08302 remain Private and Confidential at this time until final disposition by Council.

CARRIED

29. Citizen Appointments to the Residential Rental Housing Community Liaison Committee (McHattie/Duvall)

(a) That the following citizens be appointed to the Residential Rental Housing Community Liaison Committee:

Meredith Vanstone, Local Resident, Ward 1
Greg Bartholemew, Landlord, Ward 1
John Popham, Tenant/Student Renter, Ward 1
Connie Spitman, Local Resident, Ward 8

(b) That the term of the appointments remain in effect until such time as the mandate of the Residential Rental Housing Community Liaison Committee has been completed;

(c) That consideration of applications for the appointment of citizens from Wards 8, 10 and 14 in the Local Resident (not applicable to Ward 8), Landlord and Tenant/Student Renter categories be extended to January 31, 2009.

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) Confirmation of Chair

Councillor Pearson was confirmed as Chair of the Economic Development and Planning Committee for 2009.

(b) Confirmation of Vice Chair

Councillor Ferguson was confirmed as Vice Chair of the Economic Development and Planning Committee for 2009.

(c) Election of Second Vice Chair

(Duvall/McHattie)
Councillor Bratina was nominated as Second Vice Chair of the Economic Development and Planning Committee for 2009.

(Pearson/Mitchell)
Councillor Pasuta was nominated as Second Vice Chair of the Economic Development and Planning Committee for 2009.
The nomination for Councillor Bratina lost on a tie vote as follows:

YEAS: Whitehead, Bratina, Duvall, McHattie
NAYS: Pearson, Mitchell, Pasuta, Ferguson
(Absent: Brad Clark)

The nomination for Councillor Pasuta lost on a tie vote as follows:

YEAS: Pearson, Mitchell, Pasuta, Ferguson
NAYS: Whitehead, Bratina, Duvall, McHattie
(Absent: Brad Clark)

The Committee referred the issue to Council.

(d) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

(a) Added Private and Confidential Item 12.3 which was referred from last week’s meeting, respecting Trinity Developments. This was referred by Committee to the City Solicitor, and so the matter will be discussed in Closed Session, at 12 noon

(b) Added Notice of Motion 10.1 from Councillor McHattie, also from last week’s meeting, respecting Potential Added Intensification to the Downtown Urban Growth Centre. Copies have been e-mailed to all members and also distributed this morning

(c) Added Report 08-004 from the Municipal Heritage Committee, from their meeting on Thursday. This had been added as item 8.2

(Mitchell/Pearson)

The rules of order were waived to introduce a motion proposing to waive the fees for a severance application (GL/B-08:144).

(d) Motion presented by Councillor Mitchell to waive the fees for a severance application. This Item was added as 9.2.

The Agenda for the December 2, 2008, meeting of the Economic Development & Planning Committee was approved, as amended.
(e) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest with respect to Item 6.8 as he is an investor in the taxi industry.

Councillor Pearson declared an interest with respect to item 9.1 as she is the owner of rental properties

(f) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee Meeting held on November 18, 2008 were approved, as presented.

(g) Delegation Requests

Committee approved the following delegation requests to address Committee today with respect to Item 8.1 on the agenda:

(a) George Zajac respecting 1194 Scenic Drive (Ancaster) (Item 4.1)

(b) Dr. Joseph Macri, respecting 1194 Scenic Drive (Ancaster) (Added Item 4.2)

On a Motion (McHattie/Pearson) the Committee approved that Item 8.1 be considered after the consent Items.

(h) Demolition Permit – 1094 Wilson Street East (Ancaster) (PED08274) (Ward 12) (Item 5.1)

Councillor Ferguson advised that he has met with the applicant and wishes to move the alternate recommendation in the report which is to approve the demolition permit without any conditions.

He explained that the applicant does plan to rebuild on the site but he doesn’t know when and the building needs to be demolished without delay because it is in such poor condition that it poses a safety concern.

The Committee approved the alternate recommendation.
(i) Information Report - Status of the Implementation and Enforcement of the Hamilton Sign By-law (PED05172(e)) (City Wide) (Item 5.14)

Councillor McHattie expressed concerns with the delay in implementing the Hamilton Sign By-law and he asked that the poster portion of the by-law be enforced.

Marty Hazell explained that the City can regulate but not prohibit. He said that, in the meantime, staff can work with the Ward Councillor in the Westdale area to address the issue of posters.

(j) Chris Erl, respecting social, economic and political costs of urban sprawl, as part of his involvement in the CBC contest “Canada’s Next Great Prime Minister” (Item 6.1)

Chris Erl addressed Committee and indicated that he is an 18 year old political science student with a double major at McMaster University. He was born and raised in Hamilton and is currently involved in the CBC contest.

He expressed major concerns with the problem of urban sprawl which he believes can be defined as a city growing past its boundaries. He referred to the car thefts on the mountain and indicated that the late Jane Jacobs found, in her research, that the closeness of a neighbourhood had an affect on the crime rate. Knowing the neighbours and who own the cars deters theft. He also referred to the issue of establishing a new ward on the Mountain. There has been rapid development and mostly sprawl with no official change of the boundary. He indicated that slow sustainable development will allow public consultation and control the high cost of ($69 billion dollars) of new development. It would have many positive effects such as saving money, encouraging redevelopment of brown fields, decreasing crime.

The Committee thanked Mr. Erl and complimented his initiative.

On a Motion, (Duvall/Bratina) Committee received the presentation.

(k) Application for an Amendment to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for the Properties Located at 1081, 1091, 1097 and 1105 Beach Boulevard (Hamilton) (PED08288) (Ward 5) (Item 6.2)

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

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

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the official plan 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.

Chris Bell made a PowerPoint presentation which provided an overview of the report. He indicated where the property is located and its size and described the surrounding area. The property is currently designated Open Space. The proponent wants to rezone to an RT30 zone for a townhouse development. Staff support the proposal with three conditions on a Holding provision. They are requesting an acoustical report to address potential noise impact, an archaeological study, and a record of site condition as the location was previously used as a gas station. The Ward Councillor supports the application and has consulted with the applicant. No written concerns have been received from the neighbouring residents.

The applicant’s agent, Greg Dell, indicated that he is satisfied with the staff recommendations.

No member of the public came forward to address Committee with respect to this issue.

The Committee approved the staff recommendation.

(v) Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9) (Item 6.3)

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

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

Chris Bell made a PowerPoint application which provided an overview of the report. He noted the location and the surrounding properties. The proposal requires three approvals; for the subdivision, the zoning by-law amendment and the official plan amendment.

The proposal is for a Sub-Division with 51 dwelling units which are a mix of semi-detached and detached homes and one group townhouse block.

Chris Bell noted that a previous proposal from the same applicant instigated protest from the residents and that consequently, staff considered the concerns which the residents expressed and they have been addressed as follows:

- the preservation of character of the neighbourhood – the revised plan requires street townhouses to be in the interior of the development
- parking – will be subject to a site plan control process
- traffic, specifically on Highbury Drive – staff acknowledge that Highbury drive will have more traffic but as it has been constructed as a collector road, it should be able to accommodate an increase in volume
- key stones with house numbers – the names of the roads will change but not unit numbers
- school space – removal of designated school property – both school boards were circulated but neither objected
- services – adequate City services can be provided
- expectation of residents with respect to future development – the re-designation process must give the public a chance to review proposed changes

It was also noted that the Ward councillor supports this application

Sergio Manchia, of IBI group, the agent for the applicant, advised that they are in support of the staff recommendation.

Scott McDermott, 60 Highbury Drive, addressed Committee.

Mr. McDermott is unhappy the original zoning is being changed. The new proposal doesn’t make a difference to his opinion. The area is littered with
shopping buggies and not very nice homes. He does not believe that it is fair to change the zoning.

David Heiliger, 50 Highbury Drive, addressed Committee

Mr. Heiliger finds it unacceptable that the developer can pay to eliminate green space so that it can be developed. Green space is limited. The neighbours support single family homes and single dwelling development. He referred to the written comments submitted from the neighbours and their concerns. He indicated that he would like his opposition to the town house development be made known. He does not oppose smaller lot sizes but he opposes the proposed change to townhouses.

Sergio Manchia, IBI Group, the applicant's agent, addressed Committee and made a PowerPoint presentation. Nick Conachelli is the owner and developer. The lands have always been in private ownership. After working with the residents and the Ward Councillor, changes have been made to the application. The applicant has completed the appropriate studies. Consideration was given to the current Provincial Policy Statements and they are included in the final plan. He is in support of the staff report.

On a Motion (Duvall/Ferguson) the Committee allowed Mr. McDermott to speak for a second time.

Mr. McDermott stated that it is his understanding that only two members of the public had input in the amended plan.

Mr. Manchia confirmed that this is correct. The basic dialogue was through the Ward Councillor, however, the public information meeting was duly advertised.

The Committee approved the staff recommendation.

Applications for an Amendment to the City of Stoney Creek Official Plan and Zoning By-law Nos. 3692-92 and 05-200, for the Property Known as 1478 Baseline Road (Stoney Creek) (PED08258) (Ward 11) (Item 6.4)

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

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

The Chair noted that there is an added written submission from David Hambleton expressing concerns with this development.

(Pearson/Mitchell)
On a Motion, Committee waived the staff waive presentation.

Delia McPhail was present to assist Committee.

Steve Miazga, Hamilton Conservation Authority, indicated that he is in agreement with the staff report.

No member of the public came forward to address Committee.

Committee approved the staff recommendation.

(x) Application to Amend the Hamilton Zoning By-law for Property Located at 85 Robinson Street (PED08305) (Ward 2) (Item 6.5)

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

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

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the official plan 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 made a PowerPoint presentation which provided an overview of the report and of the proposed development. He outlined the proposed setbacks, building heights, landscaping buffers, landscaping in the boulevards and parking spaces. He advised that the proposal conforms with the existing Provincial and City policies.

He advised that notices were circulated to 1,420 residents and the Durand Neighbourhood and a public information meeting was held. In total, 13 items of correspondence were received from the public. Three were letters of objection. The major areas of concern are traffic, safety and on street parking.

Cam Thomas made the following comments with respect to the concerns:

- high traffic and congestion – the City’s Traffic Engineering Section confirms the area can handle the traffic volume;
- Safety concerns have been addressed with traffic calming and other methods
- Parking Spaces- There are more parking spaces than is required. The proposal is for 156 units, 150 parking spaces would be adequate and there will be 196 parking spots, a surplus of 46 parking spaces.
- St. Joseph’s Hospital staff already park on the streets – Staff don’t believe this development will contribute to on street parking.
- Building and site design concerns – the building height is 9 stories which is within the building heights in this area and landscaping will be possible on the boulevards.
- Shade studies indicate there will be only minor overshadowing on one adjacent property
- No concerns with sanitary or storm sewers
- The other concerns are explained in the report

Cam Thomas advised that the proposed zoning is site specific and the Site Plan approval process will address various requirements. Furthermore, the proposal will use an under-utilized vacant parcel of land in the downtown core.

Councillor Bratina acknowledged that this project generated many meetings and a heavy work load for staff. He thanked Cam Thomas for his work on this application.

Paul Moore, the agent for the applicant, indicated that he is in support of the staff recommendation.

Janice Brown, 163 Duke Street, representing Durand Neighbourhood Association

The Durand Neighbourhood Association (DNA) supports good quality development on this site and the Association is very impressed with the
openness of the developer. However, with regard to the concerns raised, i.e. upgrades to sidewalks, enhanced streetscapes, traffic, existing supply of on street parking, staff have indicated these will be addressed at site plan approval and the Association would like to know if the public will be able to provide input at the site plan approval stage?

Staff suggested the public work through the Ward Councillor during the site plan approval stage.

Russell Elman, 245 Bay Street South, addressed Committee.

Mr. Elman is a long time resident and he remembers many past development proposal for this site. He supports public input into the site plan approval process and indicated that sometimes requirements should exceed what is normally needed (i.e. set backs for sidewalks) This could be a real show piece of what could be done in the 21\textsuperscript{st} century for inner City development.

Harry Howell, 49 Robinson, addressed Committee

Mr. Howell indicated that he is concerned with the impact on traffic. He noted that Charlton Street is a very busy street, particularly between 6 and 9 o'clock in the morning, many cars travel down the mountain access and turn along Charlton to go to the west end.

He is also concerned that the approval will be for a 12 storey building instead of 9 stories. Staff confirmed that the building will be for 9 stories although a maximum of 12 stories is allowed.

He noted that finding parking on a Saturday or Sunday may be difficult.

Frank D'Agroc, 100 Charlton Avenue West, addressed Committee

Mr. D'Agroc owns an apartment building on Bay Street which was built in 1920's and he has owned it for 22 years. His tenants used to park at Thistle Club for a fee. He noted that there is no parking on Bay and Charlton Streets when snow clearing is required. His tenants are now parking on Park Street. He believes that special designated permit parking is required in the area as there will be fierce competition for parking spots.

Ted Arnold, Manager of Parking Operations and Maintenance indicated that there is permit parking in the area.
Aiden Finn, 504 Duke Street addressed Committee

Mr. Finn indicated that this process has been dragging on. He suggested the applicants proceed with this development as long as they return the cannon.

The meeting was advised that the cannon has been returned.

Committee approved the staff recommendation.

(y) Applications for Approval of a Draft Plan of Subdivision, “Woodland Manor”, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 437 Wilson Street East (Ancaster) (PED08306) (Ward 12) (Item 6.6)

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

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

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the official plan 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.

Greg Macdonald made a PowerPoint presentation which provided an overview of the Report. He indicated the location of the proposed rezoning and other details of the application, including the neighbouring properties. He noted that there is a large retention pond on the property.

Included in the proposed subdivision are 62 lots for single detached dwellings. Buffers are required next to the environmentally sensitive areas. He indicated that 35 comments have been received from area residents.

Mr. Macdonald noted that the property is of strong heritage interest, including the buildings and the landscape. To ensure protection, conditions of approval include the requirement for heritage designation and an easement on the east side of the property. He noted a change to the recommendations, which will direct staff to carry out a cultural heritage assessment for the property.
Greg Macdonald identified the following urban design features:

- there will be no new driveways or lots directly on Sulphur Springs Road
- There will be a 15 metre buffer on Sulphur Springs Road and a 10 metre buffer along the townhouses
- The lot sizes are large enough to fit into the area
- The low profile of buildings will preserve the views of the cultural heritage landscape
- The City is working with the applicant with respect to maintenance and design to ensure the homes are compatible with the Ancaster Core area and the heritage character of the area.
- Concerns with traffic, the applicant will contribute to systems to improve traffic
- Environmental – fisheries and streams and loss of main forested area – Streams – the applicant has suggestions for new creeks to address cold water required for fish life - the streams contribute to fish habitat –
- Wetland restoration area to address wetland loss
- Forested area – the applicant is making suggestions – i.e. buffers, proposing to preserve forest thicket, reforestation
- ESAGEIG has approved the study – the applicant must implement the study
- High water table on the property – need to prevent basement flooding – water adequately, environmental objectives, residences will have sump pumps and water will be conveyed back to the stream.

Greg MacDonald indicated that the application can be approved at this time.

He noted one change to a special condition. Special condition #39 is being removed and a new subsection (d) that council direct staff to prepare a cultural assessment is being added to the recommendation.

Committee discussed the issues and additional information was provided by staff.

John Ariens, IBI, agent for the applicant addressed Committee. He indicated that he is in support of the staff recommendation and provided additional details concerning the application. Mr Ariens noted that he is still working on details of respecting various aspects of the applications. He requested that the matter be tabled, pending the finalisation of these issues, and requested that he be allowed to address Committee again at that time.

The Chair noted added written communications from:

(1) Save Ancaster Village Environment (SAVE) (Item 6.6.1)
(2) Karen Wilkins (Item 6.6.2)

Phil Mathews, President of Ryerson Homes,

Phil Mathews expressed concerns that the traffic flow patterns will undoubtedly impact on Sulphur Springs Road. This will economically impact Ryerson Homes, and access to Ryerson Homes will need to be closed.

Hope Gibson, SAVE Organization

Hope Gibson explained that SAVE is an organization of Ancaster owners and property owners adjacent to the lands in question. SAVE is concerned with preserving Ancaster’s uniqueness.

He indicated that the Organization recognizes and applauds the concessions made by developer. However, in his opinion, a coordinated plan for development around the village core is missing. New vehicle traffic will cause congestion on the streets. The residents will lose the opportunity for heritage preservation.

He stated that comprehensive planning is required (traffic study, etc.) for the entire village core to integrate the new traffic demands from the new development.

He thanked staff, the developer and Councillor L. Ferguson.

Bob Wilkins, 211 Sulphur Springs Road

Bob Wilkins applauded the staff report. This is the only piece of property that can add density to sustain the village core.

He would have preferred a development geared to residents having fewer cars per household (i.e. low rise condos).

His concerns are alluded to on page 9 of the report

He also wants to ensure that his well is not impacted by this development. The report isn’t sure if the applicant’s proposal of the weeping tile/foundation drain system will be effective.

Mr. Wilkins noted in the report that the Sisters, who want to protect their privacy are reluctant to provide access through their property to Wilson Street. He would like the residents to have pedestrian and bike access and he has spoken to staff at Bell Canada whose building is adjacent to the property and enquired if the 6 to 8 feet of grassed area could be granted as an easement to join directly from the village to the development site. He would be willing to introduce the developer to
the Bell Canada staff. If this access could be achieved, it would encourage the residents to not use their cars

On a Motion (Pearson/Ferguson), Hope Gibson was approved to be a second time speaker

**Hope Gibson, SAVE Organization**

SAVE members have concerns that Ancaster has never had easy and safe access to the trails.

Committee discussed the matter. Councillor Ferguson said that while he was in favour of the proposal, he had concerns that the report referred to “conceptual plans” and that he needed assurances that the details, particularly respecting the heritage features, would actually be carried out.

On a Motion (Ferguson/Pearson), Committee TABLED the report until the January meeting in order to allow the applicant time to meet with the Hamilton Conservation Authority and to allow staff to confirm that the inclusion of the proposed heritage features can be guaranteed.

**(bb) Bill 51 Implementation - CITY WIDE Amendments to the Official Plans of the City of Hamilton, Amendments to the Site Plan By-law, and Establishment of a Formal Consultation By-law (PED08291) (City Wide) (Item 6.7)**

David Falletta made a PowerPoint presentation that provided an overview of the report. In response to Bill 51, the City of Hamilton has prepared amendments to the Official Plan and site plan by-law and the establishment of a formal consultation by-law. He noted some minor changes in the proposed Official Plan Amendments.

He outlined the proposed changes and the benefits to the City and the applicants.

Staff was requested to investigate whether an applicant could appeal first to the Economic Development and Planning Committee prior to an appeal to the OMB. Paul Mallard said he would report back on this matter.

Staff responded to various questions and confirmed that the Ward Councillor can be involved in the site plan control process, that if the staff could not interpret a requisite report, it would be subject to a peer review at the cost of the applicant and that these amendments are just to capture major development applications
Aiden Finn, Ancaster

Aiden Finn protested the merging of the Ancaster Official Plan with the Hamilton Official Plan. He was advised that this is not an item on today’s agenda and that he should request to be a delegation at a future meeting.

On a Motion (McHattie/Mitchell) Committee approved that Aiden Finn attend the January 20, 2009 meeting as a delegation with respect to his concerns regarding the merging of the Ancaster Official Plan with the City of Hamilton Official Plan, and development in Ancaster.

(cc) Public Meeting respecting change to Licencing By-law (Taxi cab cameras) (As directed by Council, November 17, 2008) (Item 6.8)

Chair Whitehead advised that this was a Public Meeting, under the Municipal Act, to consider a change to the Licencing By-law and that the meeting had been advertised in the local newspapers.

Vince Ormond gave an overview to the Committee.

There was no outside agent to address the Committee, as this is a City initiative.

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

Committee discussed the matter and additional information was supplied by staff.

Committee recommended that the draft by-law be forwarded to Council for approval.

(dd) Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Property Located at 1194 Scenic Drive (Ancaster) (PED08267) (Ward 12) (Item 8.1)

Chair Whitehead advised the meeting that added communications on this item, have been distributed. All are in opposition to the daycare and were submitted from:

Sanford Frank
John and Gail Flaminio
Greg and Stella Stewart
Gail Frank
Ron Lehigh
Chair Whitehead requested an update on what has happened since the last meeting, when the item was deferred to allow discussions to take place.

George Zajac, the applicant’s agent indicated that the plan was for the Ward Councillor to meet with the applicant and the neighbour, Dr. Macri, however, Dr. Macri refused to meet with them.

Mr. Kuldip Swan indicated that he has lived at the property for six years. He made a PowerPoint presentation and outlined the process he followed to date to obtain the necessary permits and licenses related to his proposal. He addressed some of the concerns expressed at the last meeting – i.e. traffic, impact on environment, impact on immediate neighbours, parking, etc.

He indicated that he started looking at day care centres in 2006. He spoke to City staff and as per their suggestion, he also spoke to the Ministry of Children and Youth Services and the Niagara Escarpment Commission. He learned there’s a shortage of day cares. Conservation Authority staff have visited the site and did not express any concerns. A representative from ESAEIG also visited the site and did not express any concerns. The various City planners he spoke to support his idea.

George Zajac addressed Committee and advised that he doesn’t expect the proposal will add new traffic to the neighbourhood. He indicated that the line of sight on the curve is better than on the straight-away.

The Committee discussed the various issues and staff provided additional information.

Dr. Joseph Macri, the adjacent owner, addressed Committee.

He said he did not refuse to meet with proponent and his planner. He is not opposed to the meeting but to the basis of meeting. He did not want to meet respecting a compromise. The meeting was pointless.

He said despite what is being stated in the report, and by the applicant, he is advising that there will be an impact on his residence.

Dr. Macri still believes this will create traffic safety concerns. He has heard there have been traffic accidents on the road.

He noted that there is a large day care less than 2 kilometres away.

He challenged whether the proponent would be able to control the timing of the drop off and pick up of the children.
In his opinion, day cares may be needed in Hamilton but not at this site.

The Committee discussed the issue.

A motion (Ferguson/Pasuta) to deny the application LOST on a tie vote.

The Chair noted that this matter would proceed to the next Council, for disposition.

**Residential Rental Housing Community Liaison Committee: (Item 9)**

Councillor McHattie presented his motion. He clarified that more names could be added until January 31

The Committee approved the appointments to the Residential Rental Housing Community Liaison Committee.

The Committee lost quorum at 4:10 p.m.

The following Items on the Agenda remained to be considered:

(i) Hamilton Municipal Heritage Committee Report 08-004 (Added Item 8.2)

(ii) Councillor Mitchell’s Motion proposing to waive fees respecting severance application (GL/B-08:144) (Added Item 9.2)

(iii) Councillor McHattie’s Notice of Motion respecting potential added intensification to the Downtown Urban Growth Centre

(iv) General Information (Item 11)

   (i) Tow truck Licences (from Outstanding Business List, due date December 2, 2008) (Item 11.1)

   (ii) Natural Areas Protection Fund (from Outstanding Business List, due date December 2, 2008) (Item 11.2)

   (iii) Potential City loans programme for Films made in Hamilton(from Outstanding Business List, due date December 2, 2008) (Item 11.3)

   (iv) News from the General Manager (Item 11.4)
(hh) Private and Confidential (Item 12)

(Mitchell/Pearson)
Committee moved into Closed Session at 12.15pm to consider 3 items pursuant to Section 239 of the Municipal Act, 2001 as follows;

(a) a proposed or pending acquisition or disposition of land by the municipality or local board, respecting lands in the former Township of Glanbrook

(b) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting Appeals which are currently before the Ontario Municipal Board, with regard Trinity Group and their lands in WHID

Committee reconvened in Open Session at 1.25pm and reported on the following items:

(i) Declaration of Surplus Property – Proposed Land Exchange between City of Hamilton and 810306 Ontario Inc. (Angelo Paletta) of Development Lands in the Former Township of Glanbrook, now in the City of Hamilton (PED08271) (Wards 7 and 11) (Item 12.1)

Committee approved the motion as outlined in Item 27 of this Report.

(ii) Proposed Land Exchange Between City of Hamilton and Nebo Group (2006) Inc. (Casimir Banas) of Development Lands in the Former Township of Glanbrook, now in the City of Hamilton (PED08302) (Wards 6 and 11) (Item 12.2)

Committee approved the motion as outlined in Item 28 of this Report.

(iii) Trinity Developments respecting their lands in WHID (Item 12.2)

Direction was given to staff in Closed Session with nothing to report in Open Session.
The Economic Development and Planning Committee lost quorum at 4:07 p.m. and the meeting stood adjourned.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
December 2, 2008