



Planning and Economic Development Committee

MINUTES 04-012

June 22, 2004

9:30 a.m.

Council Chambers
Hamilton City Hall

Present:	Councillor B. Kelly – Chair 1 st Vice-Chair T. Whitehead, 2 nd Vice-Chair D. Mitchell, Councillors B. McHattie, S. Merulla, M. Pearson
Also Present:	Councillor D. Braden, P. Bruckler, C. Collins, M. McCarthy
Absent:	Councillor Ferguson - Personal Business
Staff Present:	L. A. Coveyduck – General Manager, Planning and Development P. Mallard, T. McCabe, H. Boles, A. Fletcher, T. Sergi, P. Mason, P. Delulio, J. Thompson, K. West, G. Macdonald – Planning and Development B. Farkas – Real Estate R. Marini – Downtown Development M. Hazel - Parking A. Rawlings - City Clerk's Office

Chairman Bill Kelly called the meeting to order.

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. **Heritage Permit Application (HP2004-010) under Part V of the Ontario Heritage Act to Permit Alterations to the Building at 130 Mill Street North, Waterdown (PD04150) (Ward 15) (Item 5.1)**

(Pearson/Mitchell)

That Heritage Permit (HP2004-010) be approved for alterations to the building at 130 Mill Street North, Waterdown, in accordance with the submitted drawings accompanying the permit application (attached as Appendix "A" to Report PD04150), subject to the condition that the method of brick cleaning and mortar mix formula for brick replacement be submitted for approval by the Mill Street Heritage Conservation District Advisory Committee and Heritage Planning staff prior to undertaking masonry work.

CARRIED

2. **Removal of the Holding (H) Provision - Lands Located at 902 Mohawk Road East (PD04151) (Ward 6) (Item 5.2)**

(Pearson/Mitchell)

That approval be given to Zoning Application ZAH-04-25, 1536459 Ontario Ltd. (Frank Bragagnolo), owner, for removal of the 'H' Holding provision for lands located at 902 Mohawk Road East, to permit the development of a four-storey multiple dwelling (condominium), as shown on Appendix "A" to Report PD04151, on the following basis:

- (a) That the subject lands be rezoned from the "DE"-H' (Low Density Multiple Dwellings – Holding) District, Modified, to the "DE" (Low Density Multiple Dwellings) District, Modified.
- (b) That the Draft By-law, attached as Appendix "B" to Report PD04151, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1489a, and that the subject lands on Zoning District Map E-59 be noted as S-1489a.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

CARRIED

**3. Demolition Permit – 32 Brookside Avenue (Ancaster) (PD04152) (Ward 12)
(Item 5.3)**

(Pearson/Mitchell)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 32 Brookside Avenue in accordance with By-Law 89-35 pursuant to Section 33 of The Planning Act as amended.

CARRIED

4. Demolition Permit – 303 Fennell Avenue West (PD04153) (Ward 8) (Item 5.4)

(Pearson/Mitchell)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 303 Fennell Avenue West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

5. Demolition Permit – 3 Cherry Road (PD04154) (Ward 5) (Item 5.5)

(Pearson/Mitchell)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 3 Cherry Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

**6. Enterprise Zone Municipal Realty Tax Incentive Grant Program Application
EZ04/04, 47 Caroline Street North (PD04155) (Ward 2) (Item 5.6)**

(Pearson/Mitchell)

That Application EZ04/04 for the proposed redevelopment of a vacant lot to 40 residential condominium units located at 47 Caroline Street North, be approved as an eligible project under the “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

CARRIED

7. **Heritage Permit Application (HP2004-006) under Part V of the Ontario Heritage Act to Permit Construction of a Residence within the Hamilton Beach Heritage Conservation District, 1064 Beach Boulevard, in the City of Hamilton (PD04161) (Ward 5) (Item 5.7)**

(Pearson/Mitchell)

That Heritage Permit (HP2004-006) be approved in principle for the construction of a detached residence and detached garage at 1064 Beach Boulevard, Hamilton, in accordance with the submitted drawings accompanying the permit application (Appendix A to Report PD04161), and subject to the conditions that the final colours for exterior building features are to be determined, and that such detailing be approved by the Municipal Heritage Committee and heritage staff prior to construction.

CARRIED

8. **Heritage Permit Application (HP2004-007) under Part V of the Ontario Heritage Act to Permit Construction of a Residence within the Hamilton Beach Heritage Conservation District, 1060 Beach Boulevard, in the City of Hamilton (PD04162) (Ward 5) (Item 5.8)**

(Pearson/Mitchell)

That Heritage Permit (HP2004-007) be approved in principle for the construction of a detached residence and detached garage at 1060 Beach Boulevard, Hamilton, in accordance with the submitted drawings accompanying the permit application (Appendix A to Report PD04162), and subject to the conditions that the final colours for exterior building features are to be determined, and that such detailing be approved by the Municipal Heritage Committee and heritage staff prior to construction.

CARRIED

9. **Heritage Permit Application (HP2004-008) under Part V of the Ontario Heritage Act to Permit Construction of a Residence within the Hamilton Beach Heritage Conservation District, 1056 Beach Boulevard, in the City of Hamilton (PD04163) (Ward 5) (Item 5.9)**

(Pearson/Mitchell)

That Heritage Permit (HP2004-008) be approved in principle for the construction of a detached residence and detached garage at 1056 Beach Boulevard, Hamilton, in accordance with the submitted drawings accompanying the permit application (Appendix A to PD04163), and subject to the conditions that the final colours for exterior building features are to be determined, and that such detailing be approved by the Municipal Heritage Committee and heritage staff prior to construction.

CARRIED

10. **Heritage Permit Application (HP2004-009) under Part V of the Ontario Heritage Act to Permit Construction of a Residence within the Hamilton Beach Heritage Conservation District, 1052 Beach Boulevard, in the City of Hamilton (PD04164) (Ward 5) (Item 5.10)**

(Pearson/Mitchell)

That Heritage Permit (HP2004-009) be approved in principle for the construction of a detached residence and detached garage at 1052 Beach Boulevard, Hamilton, in accordance with the submitted drawings accompanying the permit application (Appendix A to report PD04164), and subject to the conditions that the final colours for exterior building features are to be determined, and that such detailing be approved by the Municipal Heritage Committee and heritage staff prior to construction.

CARRIED

11. **Declaration of Surplus Property/Sale of the Alleyway Abutting 430 Woodward Avenue, Hamilton, Parts 1- 9, Plan 62R-16576, to the Participating Abutting Owner (PD04167) (Ward 4) (Item 5.11)**

(Pearson/Mitchell)

- (a) That the lands forming the alley abutting 430 Woodward Avenue, described as Parts 1 - 8 on Reference Plan 62R-16576, be declared surplus to the requirements of the City of Hamilton, in accordance with the Real Property Sales Procedural By-law No. R95-049.
- (b) That the Planning and Development Department, Real Estate Section, be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law 95-049.
- (c) That the applicants, Evokia Psarakis, Angelo Psarkis and Matthew Psarakis, be authorized to make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to stop up, close and sell the subject alleyway designated as Parts 1 - 8 on Reference Plan 62R-16576, Hamilton.
- i) That the General Manager of the Department of Public Works be directed to sign an affidavit setting out that no public funds have been expended on the portion of road allowance to be closed.
- ii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the Director of Legal Services and Corporate Counsel.
- iii) That the applicant register a reference plan under the Registry Act and that the said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Senior Project Manager, Survey and Technical Services, and that it delineate the manner in which the proposed closed

portion of the alley is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services.

- (d) That provided the Judge's Order to close the public unassumed road allowance is granted:
 - i) That the Director of Legal Services and Corporate Counsel be directed to prepare a By-law for the sale of the closed road allowance to the participating abutting owners.
 - i) That the City Clerk be directed to publish a notice pursuant to Section 300 of the Municipal Act R.S.O. 1990, of the City's intention to pass the By-law.
- (e) That the Offer to Purchase Agreements, duly executed by the participating five abutting owners as listed below, be approved:
 - i) The Offer to Purchase Agreement, with a consideration of \$2, duly executed by David Prior and Judith Prior on December 9, 2003 and scheduled to close on or before August 16, 2004, being comprised of Part 2 on Reference Plan 62R-16576.
 - ii) The Offer to Purchase Agreement, with a consideration of \$2, duly executed by Bunrith Chan and Chhoum Savon on December 11, 2003 and scheduled to close on or before August 16, 2004, being comprised of Part 3 on Reference Plan 62R-16576.
 - iii) The Offer to Purchase Agreement, with a consideration of \$2, duly executed by William Currie Inglis and Kenneth Inglis on December 8, 2003 and scheduled to close on or before August 16, 2004, being comprised of Parts 5 and 6 on Reference Plan 62R-16576.
 - iv) The Offer to Purchase Agreement, with a consideration of \$2, duly executed by Mark Paul Christianson and Sandra Lynn Christianson on December 8, 2003 and scheduled to close on or before August 16, 2004, being comprised of Part 7 on Reference Plan 62R-16576.
 - v) The Offer to Purchase Agreement, with a consideration of \$6,280, duly executed by Evokia Psarakis, Angelo Psarakis and Matthew Psarakis on April 26, 2004 and scheduled to close on or before August 16, 2004, being comprised of Parts 1, 4 and 8 on Reference Plan 62R-16576.
- (f) That the net proceeds of the sale be used first to help offset any shortfall in achieving the \$1,000,000 program reduction to realize operating cost reductions and, if not required, be contributed to the Reserve for Property Purchases (Account 47702-3560150100).

- (g) That the total sale price of \$6,288 does not include The Goods and Services Tax (GST). Should GST be applicable and be collected by the City, the GST amount is to be credited to Account Number 22835009000 (GST Payable).
- (h) That the required deposit cheque, in the amount of \$628, be held by the General Manager of Corporate Services, pending Council Approval.
- (i) That Corporate Counsel be authorized and directed to prepare the necessary transfer and By-law documents.
- (j) That in accordance with the City's Real Property Sales Procedural By-law No. R95-049 for the Sale of Real Property:
 - i) That satisfactory notice has been given to the public of the intended sale through advertisements in the Hamilton Spectator on October 11, 18, 25 and November 1, 2002.
 - ii) That no appraisal of the fair market value of the real property scheduled to be sold has been obtained as Highway (Public Highway) Closures and Sales are exempt from the appraisal requirements of Section 268 of the Municipal Act.
 - iii) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed to Section 268 of the Municipal Act.

CARRIED

**12. Enterprise Zone Municipal Realty Tax Incentive Grant Program –
Application EZ04/03, 100-110 James Street South (PD04169) (Ward 2) (Item
5.12)**

(Pearson/Mitchell)

That Application EZ04/03 for the proposed renovation of a one storey, 25,000 square foot retail/office building, be approved as an eligible project under the "Enterprise Zone Municipal Realty Tax Incentive Grant Program".

CARRIED

**13. Toward a Golden Horseshoe Greenbelt – City of Hamilton Comments -
Referred from Planning and Economic Development Committee on
February 17, 2004 (City Wide) (PD04172) (Item 6.1)**

(Whitehead/Pearson)

- (a) That the Council of the City of Hamilton respond to the Discussion Paper of the Task Force on the Golden Horseshoe Greenbelt as follows:

- (i) Council supports Task Force recommendations respecting natural environment planning.
 - (ii) Council supports the direction of Task Force recommendations on Agricultural Protection, but requests the Province to complete improved mapping and resource evaluations for tender fruit and specialty crop lands in consultation with the City of Hamilton prior to implementation.
 - (iii) Council suggests Task Force recommendations respecting transportation and utilities be improved and recommends that multiple use infrastructure corridors be planned comprehensively within the Greenbelt area, not as single proponent initiatives. The focus of this planning must go beyond need and justification issues to emphasize enhancement of the Greenbelt environment through context sensitive design engineering and integrated environmental remediation.
 - (iv) Council suggests Task Force recommendations on mineral aggregate resource planning be improved. Greenbelt municipalities require the Ministry of Natural Resources to better manage Provincial aggregate resources through updated resource mapping which explicitly considers incompatible uses, including A.N.S.I.s and Provincially significant wetlands, and establishes detailed context-appropriate extraction and rehabilitation objectives rather than uncoordinated, licence-specific solutions.
 - (v) Council supports Task Force recommendations respecting culture, recreation and tourism development but expresses disappointment that funding, administrative and marketing improvements needed to properly implement the vision have not been addressed.
 - (vi) Council recommends the Greenbelt initiative be implemented through the Provincial Policy Statement (PPS) and be reinforced with legislative reforms that require all relevant ministries and agencies to take actions consistent with the PPS and support local planning reforms.
 - (vii) Council recommends that the Province create and properly fund new financial vehicles that ensure a fair return is provided land owners on the costs of responsible land stewardship within the Greenbelt area.
- (b) That the 'Provincial Regulations re: Golden Horseshoe Greenbelt and Impact on Development Proposed Outside the Urban Area' item, referred from the Planning and Economic Development Committee on February 17, 2004, be identified as completed and removed from the Planning and Economic Development Committee Outstanding Business List.

- (c) That the local members of Provincial Parliament be invited to attend a meeting with the Planning and Economic Development Committee, with regard to the proposed Golden Horseshoe Greenbelt, and that the staff report PD04172 be circulated to the MPPs ahead of the meeting.

CARRIED

14. City Initiative for an Official Plan Amendment and Applications for an Official Plan Amendment, Zone Change, and Revisions to Draft Plans of Subdivision Known as “Southampton Estates” and “South Mount Hope Estates”, Located at White Church Road and Highway No. 6, Glanbrook (PD04138) (Ward 11) (Item 7.1)

(Mitchell/Whitehead)

- (a) That approval be given to the Revision of Subdivision Applications 25T-98002(R) and 25T-200301(R) by 1536708 Ontario Ltd. (c/o Anthony DiCenzo), owner, to establish a draft plan of subdivision known as “Southampton Estates, Phase 2”, formerly “Southampton Estates” and “South Mount Hope Estates”, on lands located on Part of Lot 5, Concession 5 (Glanbrook), as shown on Appendix “E” to Report PD040138, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “F” to Report PD04138, and the following:
- (i) Acknowledgement by the City of Hamilton that, in accordance with the City’s Financial Policies for new development, the City shall fund one-half of the cost of a 1.5 metre high black vinyl chain link fence along the east side of Park Block 147 only where it abuts Lot 109.
- (b) That the City agrees to purchase an additional 653 square metres of land for parkland purposes, at market value, at the time of registration of that portion of the plan containing the parkland, with funding provided through the City’s Park Trust Fund Reserve.
- (c) That approval be given to City Initiative CI-04-A and to Official Plan Amendment Application OPA-04-01, by 1536708 Ontario Inc. (c/o Anthony DiCenzo), owner, as revised, for Amendment No. ___ for land located on Part of Lot 5, Concession 5 (Glanbrook), as shown on Appendix “A” to Report PD04138, to repeal and replace Schedule “C” – Mount Hope Urban Settlement Area Land Use Plan, with a revised schedule as shown on Appendix “C” to Report PD04138, to make various changes to the designations of the lands identified above.
- (d) That approval be given to Zoning Application ZAC-04-12, by 1536708 Ontario Inc. (c/o Anthony DiCenzo), owner, as revised, for a change to Zoning By-law No. 464 on lands located on Part of Lot 5, Concession 5 (Glanbrook), shown as Blocks 1 to 15 on Appendix “D” to Report PD04138, on the following basis:

- (i) That the draft By-law to amend Zoning By-law No. 464, attached as Appendix "G" to Report PD04138, be forwarded to Council for adoption.
 - (ii) That the amending By-law be added to Schedule "F" of Zoning By-law No. 464.
 - (iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and will conform to the Township of Glanbrook Official Plan upon approval of Official Plan Amendment No.____.
- (e) That the noise wall as presented by the applicant be approved.

CARRIED

15. Application for a Change in Zoning for Lands Located at 999 Upper Wentworth Street (Hamilton) (PD04157) (Ward 7) (Item 7.2)

(Pearson/Mitchell)

That approval be given to Zoning Application ZAC-04-24, City of Hamilton, owner, for a change in zoning from "AA" (Agricultural) District, Modified to "G-2" (Regional Shopping Centres) District for the lands known municipally as 999 Upper Wentworth Street, as shown on Appendix "A" to Report PD04157, on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District, Modified to "G-2" (Regional Shopping Centres) District.
- (b) That the attached Draft By-law, marked as Appendix "B" to Report PD04157, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
- (c) That upon finalization of the implementing Zoning By-law, the approved Thorner Neighbourhood Plan be amended to re-designate the subject lands from "Single and Double Residential" to "Commercial".
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

CARRIED

16. **Applications for an Amendment to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and Draft Plan of Subdivision Known as “Clovervale” for Lands Located at 478 Glover Road , Part of Lot 10, Broken Front Concession, Former City of Stoney Creek (PD04156) (Ward 11) (Item 7.3)**

(Mitchell/Pearson)

- (a) That approval be given to **Subdivision Application 25T-200321, by Marz Homes Clovervale Inc., owner**, to establish a draft plan of subdivision, known as “Clovervale”, on lands located at 478 Glover Road (Stoney Creek), as shown on Appendix “A” to Report PD04156, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PD04156, and the following:
- (i) That payment of cash-in lieu of parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan of subdivision. The payment will be based on a maximum of 5% of the value of the lands on the day prior to the day of the issuance of the building permit, in accordance with the City’s Parkland Dedication By-law, as approved by Council.
- (b) That approval be given to the application by **Marz Homes Clovervale Inc., owner**, for Official Plan Amendment No. ___, for land located at 478 Glover Road (Stoney Creek), shown as Blocks “2” and “3” on Appendix “C” to Report PD04156, for a change in designation on Schedule “A4” – Urban Lakeshore Area Secondary Plan of the City of Stoney Creek Official Plan, by redesignating the subject land from “Low Density Residential” to “Medium Density Residential”.
- (c) That upon finalization of Official Plan Amendment No. ___ and the implementing Zoning By-law, that the approved Trillium Neighbourhood Plan be amended to redesignate Blocks “2” and “3”, as shown on Appendix “C”, from “Low Density Residential” to “Medium Density Residential”, to redesignate Block “4” from “Low Density Residential” to “Water Treatment Pond” and to show the amended road pattern as shown on Appendix “B”.
- (d) That approval be given to **Zoning Application ZAC-03-89, by Marz Homes Clovervale Inc., Owner**, for a change to Zoning By-law No. 3692-92 from the Neighbourhood Development “ND” Zone to a proposed site-specific Single Residential “R4-11” Zone, the Residential Multiple “RM2-10” Zone, the site-specific Residential Multiple “RM3-26” Zone and the Open Space “OS” Zone on lands known as 478 Glover Road, in the former City of Stoney Creek, shown as Blocks “1”, “2”, “3” and “4” respectively on Appendix “C” to Report PD04156, on the following basis:
- (i) That Block “1” be rezoned from the Neighbourhood Development “ND” Zone to the site-specific Single Residential “R4-11” Zone.

- (ii) That Block "2" be rezoned from the Neighbourhood Development "ND" Zone to the site-specific Multiple Residential "RM2-10" Zone.
- (iii) That Block "3" be rezoned from the Neighbourhood Development "ND" Zone to the site-specific Multiple Residential "RM3-26" Zone.
- (iv) That Block "4" be rezoned from the Neighbourhood Development "ND" Zone to the Open Space "OS" Zone.
- (v) That Sub-section 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3693-92, be amended by adding a new special provision, "R4-11", to include the following:

"R4-11 478 Glover Road, Schedule "A", Map No. 3

Notwithstanding the provisions of Paragraphs (a), (c), (d), (f) and (g) of Section 6.5.3 of the Single Residential "R4" Zone, for those lands zoned "R4-11" by this By-law, the following shall apply:

- (a) Minimum Lot Area
Corner Lot - 375 square metres
- (c) Minimum Front Yard - 3 metres, except 5.8 metres to an attached garage or an attached carport.
- (d) Minimum Side Yard – No part of any dwelling shall be located closer than 1.2 metres to a side lot line, except as provided in Clauses (i), (ii) and (iii) below:
 - (i) The minimum side yard on the side of the dwelling containing an attached garage or attached carport may be 0.6 metres except for a side yard which abuts a flankage street.
 - (ii) On an interior lot, where no attached garage or attached carport is provided, the minimum side yard on one side shall be 2.4 metres.
 - (iii) On a corner lot, the minimum side yard abutting a flankage lot line shall be 2.4 metres, except that an attached garage or attached carport, which fronts on the flankage street, shall not be located within 5.8 metres of the flankage lot line.
- (f) Maximum Building Height - 12.6 metres
- (g) Maximum Lot Coverage - None

In addition to the regulations of Section 4.19 "Yard Encroachments", porches, including porch foundation walls, may project 1.5 metres into the required flankage yard."

- (vi) That Sub-section 6.9.6, "Special Exemptions" of Section 6.9, Multiple Residential "RM2" Zone, of Zoning By-law No. 3693-92, be amended by adding a new special provision, "RM2-10", to include the following:

"RM2-10 478 Glover Road, Schedule "A", Map No. 3

Notwithstanding the provisions of Paragraph (e) of Section 6.9.3 of the Multiple Residential "RM2" Zone, for those lands zoned "RM2-10" by this By-law, the minimum rear yard shall be 21 metres.

- (vii) That Sub-section 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3693-92, be amended by adding a new special provision, "RM3-26", to include the following:

"RM3-26 478 Glover Road, Schedule "A", Map No. 3

Notwithstanding the provisions of Paragraphs (b), (c), (d) and (f) of Section 6.10.3 of the Multiple Residential "RM3" Zone, for those lands zoned "RM3-26" by this By-law, the following shall apply:

- (b) Minimum Lot Frontage - 10.2 metres
- (c) Minimum Front Yard
- shall be 7.5 metres to the front lot line and 6 metres from the internal private road
- (d) Minimum Side Yard for Townhouses
- shall be 6 metres, except for 3 metres abutting a zone for single detached dwellings and 21 metres abutting North Service Road
- (f) Minimum Rear Yard for Townhouses
- shall be 6 metres
- (viii) That the General Manager, Planning and Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 3692-92 for presentation to Council.
- (ix) That the amending By-law be added to Schedule "A", Map 3 of Zoning By-law 3692-92.

- (x) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the City of Stoney Creek Official Plan upon approval of the Official Plan Amendment No. ____.

CARRIED

17. Applications for a Draft Plan of Subdivision and for a Change in Zoning for Lands Located on Part of Lot 3, Concession 3 (Flamborough), Owner – Upcountry Estates Limited (c/o Larry Lecce) (PD04158) (Ward 15) (Item 7.6) (Merulla/Pearson)

- (a) That approval be given to **Subdivision Application 25T200307, Upcountry Estates Limited (c/o Larry Lecce), owner**, to establish a draft plan of subdivision on lands described as Part of Lot 3, Concession 3 (Flamborough), comprising 19.43 hectares (48.01 acres), as shown redlined revised on Appendix “B” to Report PD04158, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PD04158, with the exception of Condition (xxxiv) which is deleted, and the following:
- (i) acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
- (1) the cost of over-sizing watermains beyond a 300mm diameter pipe, as may be required in accordance with the financial policies for development, as approved by Council in April 2003.
 - (2) the cost of extra asphalt beyond a width of 8.0m on Street “A”, excluding the extra width required for the traffic calming features at the intersections of Street “C” and “G”, as may be required in accordance with the financial policies for development, as approved by Council in April 2003.
- (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 building permit for the lots within the plan. The payment will be based on 5% of the value of the lands on the day prior to the day of the issuance of the first building permit, in accordance with the former Town of Flamborough’s Parkland Dedication By-law No. 99-123-P.
- (b) That approval be given to **Zoning Application ZAC-03-25, Upcountry Estates Limited (c/o Larry Lecce), owner**, for a change to Zoning By-law No. 90-145-Z from Agriculture “A” to Site-Specific Urban Residential “R1-27” (Block 5), Site-Specific Urban Residential “R1-28” (Block 6), Site-Specific Medium Density Residential “R6-12” (Block 3), Site-Specific Medium Density Residential “R6-13” (Blocks 2 & 4), Public Use “P” (Block 1), Urban Development “UD” (Block 8), and Urban Commercial “UC” (Block 7) Zones, for lands located on Part of Lot 3,

Concession 3 (Flamborough), shown on Appendix “D” to Report PD04158, subject to the following:

- (i) That the attached By-law, included as Appendix “E” to Report PD04158, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
 - (ii) That the amending By-law be added to Schedule “A-32” of Zoning By-law No. 90-145-Z.
 - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.
- (c) That the **“Urban Design Guidelines – The Neighbourhood of Upcountry Estates”**, dated October 2003, and shown on Appendix “G” to Report to PD04158, be adopted by Council subject to the following:
- (i) That the Introduction, Streetscapes, and Priority Lot Locations, as outlined on Pages 2, 6, and 18 of the Guidelines, be modified to reflect the street pattern in the revised draft plan.

CARRIED

18. Applications for Approval of a Draft Plan of Subdivision, “Hemlock Meadows”, and Change in Zoning for the Property Located on the North Side of Hemlock Avenue, West of Ferris Park, Between Madoc Street and Valrose Drive (Stoney Creek) (PD04149) (Ward 10) (Item 7.7)

(Pearson/Mitchell)

- (a) That approval be given to **Subdivision Application 25T-200217, by Berrisfield Estates (Hamilton) Ltd., owner**, to establish a draft plan of subdivision known as “Hemlock Meadows”, on lands located on the north side of Hemlock Avenue, west of Ferris Park, between Madoc Street and Valrose Drive (Stoney Creek), as shown on Appendix “B” to Report PD04149, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PD04149, and the following:
- (i) Acknowledgement that there will be no City share for any municipal works related to this development, except for one-half the cost of a 1.8m high black vinyl chain link fence along the easterly property line of the lots abutting Ferris Park and Block “27”;

all in accordance with the financial policies for development, as approved by Council.

- (b) That approval be given to **Zoning Application ZAC-02-91, by Berrisfield Estates (Hamilton) Ltd., owner**, for a change in zoning from the Small Scale

Institutional "IS" Zone to the Single Residential "R3-17" Zone (Block "1") and the Park "P" Zone (Block "2"), for lands located on the north side of Hemlock Avenue, west of Ferris Park, between Madoc Street and Valrose Drive (Stoney Creek), as shown on Appendix "A" to Report PD04149, on the following basis:

- (i) That Block "1" be rezoned from the Small Scale Institutional "IS" Zone to the Single Residential "R3-17" Zone.
- (ii) That Block "2" be rezoned from the Small Scale Institutional "IS" Zone to the Park "P" Zone.
- (iii) That Section 6.4.7, "Special Exemptions", of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision, "R3-17", to include the following:

**"R3-17 North side of Hemlock Avenue, west of Ferris Park,
 between Madoc Street and Valrose Drive, Schedule "A",
 Map No. 6**

Notwithstanding the provisions of Paragraphs (c) and (e) of Section 6.4.3 of the Single Residential "R3" Zone, on those lands zoned "R3-17" by this By-law, the minimum front yard shall be 3 metres, except 5.8 metres to an attached garage or attached carport, and the minimum rear yard shall be 7 metres."

- (iv) That the General Manager, Planning and Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 3692-92 for presentation to Council.
- (v) That the amending By-law be added to Schedule "A", Map No. 6 of Zoning By-law No. 3692-92.
- (vi) That upon finalization of the implementing By-law, the Poplar Park Neighbourhood Plan be amended to reflect the change in designation from "Schools – Separate Elementary" to "Low Density Residential" (Block "1") and "Parkland" (Block 2"), and to revise the road network to add Court "A".
- (vii) That the proposed change in zoning and draft plan of subdivision are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.

CARRIED

- 19. Ms Janice Brown, respecting request for free parking at City Hall, on Saturday September 25, 2004, during the Durand Walking Tour. (Item 7.8)**

(Merulla/McHattie)

That the request be referred to staff for a dialogue with the applicant to find a satisfactory solution to the provision of free parking at City Hall for the event on Saturday, September 25, 2004 and that staff be directed to develop a policy regarding the provision of free or reduced rate parking for future special events, and to bring this back to Committee.

CARRIED

- 20. Response to Downtown Hamilton Business Improvement Area Request for Parking Accommodation (PD04165) (Ward 2) (Item 8.1)**

(Merulla/Pearson)

- (a) That no further action be taken with respect to the request submitted by the Downtown Hamilton Business Improvement Area for parking accommodation during the upcoming reconstruction of King William Street, Rebecca Street and Hughson Street; and,
- (b) That a “temporary change in the policy on surface parking lots” in the downtown not be implemented.

CARRIED

- 21. Information Report: The City of Hamilton Committee of Adjustment (Urban) Denial of Minor Variance Application HM/A-04:44 (Hamilton-Wentworth Chapter of Native Women Inc., Owner), 47 East Avenue North, City of Hamilton - Supported by the Planning and Development Department (PD04170) (Ward 3) (Item 8.2)**

(Merulla/Pearson)

- (a) That Report PD04170, respecting The City of Hamilton Committee of Adjustment (Urban) Minor Variance Application HM/A-04:44 (Hamilton-Wentworth Chapter of Native Women Inc., Owner), 47 East Avenue North, City of Hamilton; as shown on Appendix “A” to Report PD04170, denied by the Committee but supported by the Planning and Development Department, be received for information.
- (b) And that Legal staff be directed to attend the Ontario Municipal Board Hearing in support of the application.

CARRIED

- 22. Information Report: The City of Hamilton Committee of Adjustment (Urban) Denial of Consent to Sever Application DN/B-03:121 and Minor Variance Application DN/A-04:33 (Norma Maxwell, Owner), 171 Melville Street, Former Town of Dundas - Supported by the Planning and Development Department (PD04173) (Ward 13) (Item 8.3)**

(Merulla/Pearson)

That Report PD04173 respecting The City of Hamilton Committee of Adjustment (Urban) Consent to Sever Application DN/B-03:121 and Minor Variance Application DN/A-04:33 (Norma Maxwell, Owner), 171 Melville Street, Former Town of Dundas, as shown on Appendix "A" to Report PD04173, denied by the Committee but supported by the Planning and Development Department, be received for information.

CARRIED

- 23. Motion from Councillor McHattie respecting quarrying in Carlisle (Item 9.1)**

(McHattie/Merulla)

That staff report back on the compatibility of the proposed aggregate extraction land use north of Carlisle, including, but not limited to, its impact on the surrounding residential and rural land uses, its impact on current infrastructure and local roads, and its conformity with existing and proposed municipal and provincial policies.

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) Changes to the Agenda (Item 1)

The Clerk advised that the delegation from Mr. Daniel Page, approved by Committee on May 18, 2004, had been added to the Agenda as Item 7.11.

On a Motion by Councillor McHattie, seconded by Councillor Pearson, the public presentations, Items 7.8, 7.9, 7.10 and 7.11 were moved ahead of the Public Meetings.

Committee approved the Agenda, as amended.

(b) Declarations of Interest (Item 2)

None

(c) Approval of Minutes (Item 3)

The Minutes of June 8, 2004 were approved.

- (d) **Ms Nancy McKibbin Gray, on behalf of the Board of the Dundas Art and Craft Association respecting the Carnegie Gallery (Item 4.1)**

The delegation request was approved.

Chair Kelly advised that a submission from FORCE, Friends of Rural Committees and the Environment, regarding the Greenbelt report had been received and distributed to Committee members.

- (e) **Toward a Golden Horseshoe Greenbelt – City of Hamilton Comments - Referred from Planning and Economic Development Committee on February 17, 2004 (City Wide) (PD04172) (Item 6.1)**

Mr. Paul Mason outlined the staff report with the aid of a powerpoint presentation. He explained the timing of the proposed Provincial charges and highlighted the individual staff recommendations.

Committee discussed the matter in detail and had additional information supplied by staff. Councillor McHattie, seconded by Councillor Merulla, proposed an amendment to add Provincially significant wetlands and ANISIs to clause (a)(iv) of the report. Committee approved the amendment.

On a Standing Recorded Vote, Committee agreed to invite the area MPP's to an education session on the greenbelt issues.
(Yeas; Kelly, Whitehead, Mitchell, Pearson.
Nays; McHattie, Merulla)

Committee approved the recommendation, as amended.

Councillor McHattie requested that his opposition to the approval of subsection (a)(iii) be recorded.

- (f) **City Initiative for an Official Plan Amendment and Applications for an Official Plan Amendment, Zone Change, and Revisions to Draft Plans of Subdivision Known as “Southampton Estates” and “South Mount Hope Estates”, Located at White Church Road and Highway No. 6, Glanbrook (PD04138) (Ward 11) (Item 7.1)**

A Public Meeting was held.

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

Mr. Peter Delulio outlined the report to Committee and explained the proposed changes to the Glanbrook Official Plan and the Mount Hope Plan, as well as the changes to the plans of subdivision.

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

Mr. Sergio Manchia, Planning and Engineering Initiatives, addressed Committee on behalf of the applicant, in general support of the staff recommendation. Mr. Manchia asked that approval be given to this client's proposal to build a concrete-type noise wall, within the subject property lines, but on the east side of the proposed creek channelization.

Committee discussed the proposal in detail, raising issues of detailed location, long-term maintenance of the wall and additional liability long-term costs, and detailed specifications.

On a Motion by Councillor Mitchell, seconded by Councillor Pearson, Committee approved an amendment to support the noise wall as presented by the applicant.

Committee approved the recommendation, as amended.

(g) Application for a Change in Zoning for Lands Located at 999 Upper Wentworth Street (Hamilton) (PD04157) (Ward 7) (Item 7.2)

A Public Meeting was held.

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

Mr. David Samis outlined the report to Committee and explained that it was a City Initiative, as the land is owned by the City.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(h) Applications for an Amendment to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and Draft Plan of Subdivision Known as "Cloverdale" for Lands Located at 478 Glover Road , Part of Lot 10, Broken Front Concession, Former City of Stoney Creek (PD04156) (Ward 11) (Item 7.3)

A Public Meeting was held.

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

Ms Kristen West outlined the report to Committee.

No members of the public came forward to address Committee.

Ms Brenda Khes addressed Committee on behalf of the applicant, in support of the staff recommendation.

Committee approved the staff recommendation.

(i) Application for a Modification in Zoning for Lands Located at 101 Nash Road North (Hamilton) (PD04171) (Ward 5) (Item 7.4)

A Public Meeting was held.

Chair Kelly advised that additional submissions had been received from Mr. and Mrs. Ramesh, 64 Crawford Drive, and Robert and Linda Cove, 45 Crawford Drive, which had been distributed. He noted that the identical letter of objection already included with the report had also been submitted by,

Mr. and Mrs. P. Stefani, 7 Hart Place.
M. and J. Clifford (no address given)
The Knickle family (no address given)

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

Ms Heather Boles outlined the report to Committee and explained the minor change proposed to the by-law to allow microwaves in all rooms.

Ms Boles explained that staff had considered the minimum radial separation distance requirements for residential facilities but had concluded that the subject application did not represent an over-concentration.

Committee discussed the issue of the minimum radial separation distance and had additional information supplied by staff.

Staff explained that each application is considered on its merits and that a re-evaluation of the issue would take place as part of the Comprehensive Zoning By-law preparation. Committee directed that in future reports on residential facilities, staff include a section discussing the radial distance separation issue.

Chair Kelly proposed that the matter of exempting Seniors' Facilities from the radial separation distance requirements would be reviewed at the next Chair's Agenda Review meeting.

Mr. Cove, 456 Crawford Place, addressed Committee. He expressed concerns that the second floor suites would overlook the neighbours' rear yards and would compromise their privacy. He suggested the use of frosted glass to address this issue. Mr. Cove concluded that he supported the re-use of the building, subject to the privacy issue being addressed.

Mr. Gregory Spurek addressed Committee on behalf of the applicant, in support of the staff recommendation. He agreed to address Mr. Cove's privacy concern and use frosted glass or a screen over the windows.

On a Motion by Councillor Merulla, seconded by Councillor Whitehead, Committee tabled the matter to Council to permit additional time for any residents' concerns about the parking arrangements to be explored by the Ward Councillor.

(j) Applications for an Official Plan Amendment and Change in Zoning for the Properties Located at 145, 147, and 149 Green Road (Stoney Creek) (PD04160) (Ward 10) (Item 7.5)

A Public Meeting was held.

Chair Kelly advised that a petition regarding the application, signed by in excess of 130 residents, had been distributed to the Committee members.

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

Mr. Greg Macdonald outlined the report to Committee.

Mr. John Waugh addressed Committee and explained that the residents in the area had a number of concerns, and that he had organized the petition which had been presented. He suggested the item should be tabled, to allow further discussion, particularly regarding the co-ordinated consideration of the subject application and one to the immediate south. He noted concerns including traffic and property ownership.

Mr. Wilk, 256 Carla Avenue, addressed Committee and requested that the two proposed developers be considered at the same time, to provide proper balance.

Mr. John Ariens, PEIL, addressed Committee as the agent for the proposed development to the immediate south. He noted the differences between the two

proposals and that each should have its own entrance, without being physically linked.

Ms. Shelly Menegazzo, 261 Carla Avenue, addressed Committee on behalf of several area residents and requested the item be tabled in order that the Corman Neighbourhood Plan could be revisited, the traffic issues and property values addressed, and the zoning variances considered further.

Mr. Steve Fraser, AJ Clarke and Associates, addressed Committee on behalf of the applicant, in support of the staff recommendation. He noted that the owner was agreeable to tabling the matter for two weeks.

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

Committee tabled the item for two weeks to allow Councillor Pearson to meet with both developers and with residents and report back.

(k) Applications for a Draft Plan of Subdivision and for a Change in Zoning for Lands Located on Part of Lot 3, Concession 3 (Flamborough), Owner – Upcountry Estates Limited (c/o Larry Lecce) (PD04158) (Ward 15) (Item 7.6)

A Public Meeting was held.

Chair Kelly advised that additional written submissions on this matter had been distributed to Committee this morning from:

Mr. Scott Snider, on behalf of Paletta International;
Salem Christian Mental Health Association;
Ms Suzanne Mulligan and Mr. Peter Borne

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

Mr. Jason Thompson outlined the report to Committee and explained a minor change in the conditions of draft plan approval, to delete (a)(xxxiv).

On a Motion by Councillor Mitchell, seconded by Councillor Pearson, Committee approved the amendment.

Mr. Herman Turkstra addressed Committee on behalf of Paletta International, and circulated a copy of Schedule "A" to Official Plan Amendment No. 28, the Waterdown Urban Area. Mr. Turkstra provided background information regarding the Joint Board Decision and requested that the decision be deferred

for a month or two and that staff be directed to convene a meeting of all landowners. He noted his concerns about the process of this Public Meeting.

Committee asked the delegation a number of questions.

Mr. Barry Horosko, assisted by Mr. Brian Smith, addressed Committee on behalf of the applicant. Mr. Horosko explained some of the background to the Joint Board Hearing, noting that the Council of the Town of Flamborough had not approved the Paletta lands as part of the Urban Expansion. He explained that Upcountry is requesting approval for 347 residential units and asked for Committee's support.

Committee discussed the matter in detail and had additional information supplied by the applicants and by staff. Councillors McCarthy and Braden provided background information regarding the expansion of Waterdown.

Committee members raised issues relating to the on-going costs of residential Greenfield development and the capacity of the school system to handle new development.

A Motion by Councillor Mitchell to table the matter was lost, as there was no seconder.

Committee approved the staff recommendation, as amended.

Committee then directed staff to report back on school accommodation in new areas and the long-term costs of development.

(I) Applications for Approval of a Draft Plan of Subdivision, "Hemlock Meadows", and Change in Zoning for the Property Located on the North Side of Hemlock Avenue, West of Ferris Park, Between Madoc Street and Valrose Drive (Stoney Creek) (PD04149) (Ward 10) (Item 7.7)

A Public Meeting has been held.

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

Mr. Greg Macdonald outlined the report to Committee.

Mr. Don MacLean addressed Committee and expressed concerns regarding the process of the sale of surplus school board property. He suggested that the local residents should be informed when school board property is for sale, ahead of a final decision.

Staff advised that when the land belongs to a School Board, the City has no control over the process used to dispose of it.

Chair Kelly advised that he and Councillor Ferguson will take this item to the Joint School Board Liaison Committee.

Mr. Angelo Camerraci, Urbex Management, addressed Committee on behalf of the applicant, in support of the staff recommendation.

Committee approved the staff recommendation.

(m) Ms Janice Brown, respecting request for free parking at City Hall, on Saturday September 25, 2004, during the Durand Walking Tour. (Item 7.8)

Ms. Janice Brown addressed Committee and gave details of the proposed Durand Walking Tour.

Committee discussed the matter and had additional information supplied by staff and agreed that Committee approve the request and direct staff to prepare a policy for this type of request.

Chair Kelly thanked the delegation.

(n) Ms Sandra Kovacs respecting the fencing along the Napier Street side of the former Barn property (Item 7.9)

Ms. Sandra Kovacs addressed Committee and explained why a fence is needed.

Councillor McHattie advised that he had talked to staff about the problem and its solution. First Vice-Chair Whitehead suggested that input on the site plan should also be obtained from the Police Services.

On a Motion by Councillor McHattie, seconded by Councillor Merulla, Committee approved the request and directed that the matter of fencing along the Napier Street side of the former Barn property be referred to the Manager of Development Planning to consider the inclusion of a fence along Napier Street as part of the required landscape plan for the site, that Councillor McHattie be kept informed during this process and that the Hamilton Police Services also review the landscape plan.

Chair Kelly thanked the delegation.

(o) Mr. Gerry Mintz respecting a request for a reverse grade driveway at 415 Beach Boulevard (Item 7.10)

Mr. Mintz was not present to address Committee. Councillor Collins addressed Committee, explained the background to the request and noted his support. Staff advised that a Committee of Adjustment application would be required.

On a Motion, Committee directed that the matter be brought back, after the Committee of Adjustment process had been completed, if required.

(p) Mr. Daniel Page respecting affordable housing in Downtown Hamilton (added Item)

Mr. Page addressed Committee and suggested a number of locations where affordable housing could be developed.

He also said that Hamilton should better advertise its tourist attractions and provide better public transit to these areas.

Councillor McHattie invited Mr. Page to speak to the Hamilton Non-Profit Housing Corporation.

Chair Kelly advised that the transit issues would be investigated.

Chair Kelly thanked the delegation.

(q) Response to Downtown Hamilton Business Improvement Area Request for Parking Accommodation (PD04165) (Ward 2) (Item 8.1)

Mr. Marty Hazel addressed Committee and outlined the report. He explained that the work on King William Street, Hughson Street and Rebecca Street is now proceeding at different times and so there is less disruption to parking in the Downtown.

A Motion by First Vice-Chair Whitehead, seconded by Councillor McHattie, to table the report to Council was lost.

Committee then approved the staff report.

- (r) Information Report: The City of Hamilton Committee of Adjustment (Urban) Denial of Minor Variance Application HM/A-04:44 (Hamilton-Wentworth Chapter of Native Women Inc., Owner), 47 East Avenue North, City of Hamilton - Supported by the Planning and Development Department (PD04170) (Ward 3) (Item 8.2)**

Committee discussed the matter.

Councillor Merulla explained that Councillor Morelli had requested that a member of the Legal staff be authorized to attend the up-coming hearing. Committee approved the request and received the staff report.

- (s) Information Report: The City of Hamilton Committee of Adjustment (Urban) Denial of Consent to Sever Application DN/B-03:121 and Minor Variance Application DN/A-04:33 (Norma Maxwell, Owner), 171 Melville Street, Former Town of Dundas - Supported by the Planning and Development Department (PD04173) (Ward 13) (Item 8.3)**

Committee approved the staff report.

- (t) Motions (Item 9)**

Councillor McHattie spoke to his Motion about quarrying and explained some revisions to it.

Committee discussed the matter and approved it.

- (u) Notices of Motion (Item 10)**

None

- (v) General Information (Item 11)**

First Vice-Chair Whitehead raised questions about how the details of sidewalks, crossing guards and general safety are addressed when a new school is built.

Staff explained the process.

Committee agreed to refer this matter to the Joint School Liaison Committee.

First Vice-Chair Whitehead raised concerns about pigeons, whether there are restrictions on ownership numbers, or where they may be kept.

Staff were requested to bring information back to Committee.

(w) Private and Confidential (Item 12)

None

**(x) Adjournment (Item 13)
(Merulla/Pearson)**

The Planning & Economic Development Committee adjourned at 2:40 p.m.

**Bill Kelly
Chair**

Planning & Economic Development Committee

**Alexandra Rawlings
Co-ordinator, Planning & Economic Development Committee
June 22, 2004**