



Planning and Economic Development Committee

REPORT 06-017

October 3, 2006

9:30 a.m.

**Council Chambers
Hamilton City Hall**

Present:	Chair M. Pearson 1 st Vice-Chair D. Mitchell 2 nd Vice-Chair B. Bratina, Councillors D. Braden, B. Kelly, B. McHattie, S. Merulla T. Whitehead
Also Present:	Councillor P. Bruckler
Absent:	Councillor M. Ferguson – Illness
Staff Present:	L. Coveyduck, General Manager, Planning & Economic Development T. McCabe, P. Mallard, E. John, P. Delulio, K. West, T. Sergi – Planning and Economic Development Department A. Rawlings – City Clerk's Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS REPORT 06-017 AND RESPECTFULLY RECOMMENDS:

1. Honorariums for Trade License Board (PED06363) (City Wide) (Item 5.1)

That the honorariums paid to the Trade License Board members be increased from \$100 each per meeting to \$175 each per meeting.

2. Declaration of Surplus Property of City Owned Lands Described as Part Lots 98, 99, and 103 to 106 on Plan 482, Municipally Known as 284 Sherman Avenue South, Hamilton (PED06389) (Ward 3) (Item 5.2)

- (a) That the subject lands, known municipally as 284 Sherman Avenue South, Hamilton, being a landlocked parcel composed of part of Lots 98, 99 and part of

Lots 103 to 106 on Plan 482, comprising an approximate area of 566.56 square metres (0.14 acres), shown in Appendix "A" to Report PED06389, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

- (b) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands, at fair market value, in accordance with the "Procedural By-law for the Sale of Land", being By-Law No. 04-299.
- (c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

3. International Village Business Improvement Area (B.I.A.) - Proposed Advancement of 2007 Monies (PED06408) (Wards 2 & 3) (Item 5.3)

- (a) That an advancement in the amount of \$10,000 to the International Village B.I.A. be approved.
- (b) That interest at the rate of 6% be charged on the \$10,000 advancement.
- (c) That 100% of the advancement, plus interest charged, be deducted from the first payment to the International Village B.I.A. for its 2007 budget.
- (d) That the advancement be recorded as a balance sheet adjustment on the 2006 year end books.

4. Declaration of Surplus Property – Proposed Land Exchange Between the City of Hamilton and The Binbrook Agricultural Society of Part of the Binbrook Agricultural Fairgrounds, Highway 56, former Township of Binbrook, Now in the City of Hamilton (PED06394) (Ward 11) (Item 5.4)

- (a) That the lands identified as Part of Lot 1, Block 4 in Concession 3, of the former Township of Binbrook, now in the City of Hamilton, designated as Part 3 on Plan 62R-8666 (forming part of the Binbrook Fairgrounds as shown on Appendix "A" to Report PED06394, attached), having an area of approximately 1.159 hectares (2.866 acres), be declared surplus to the requirements of the City.

- (b) That an existing access easement over lands owned by the Binbrook Agricultural Society, described as Part 4, Plan 62R-8666 (as shown on Appendix "A" to Report PED06394) providing access to Part 3, Plan 62R-8666, be quit-claimed.
- (c) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to facilitate a land exchange with The Binbrook Agricultural Society and the City of Hamilton of the land described in Recommendation (a) in exchange for Parts 1 and 4 (together with supporting easements over Parts 2, 3 and 5), as illustrated on draft survey Plan No. RC-G-594 dated July 14, 2006, attached hereto as Appendix "B" to Report PED06394.

5. 2007 Ancaster Village Core Advisory Committee Budget Submission (PED06395) (Ward 12) (Item 5.5)

- (a) That the budget submission of \$1,500 for 2007 from the Ancaster Village Core Advisory Committee be received.
- (b) That the budget submission and requested funding be referred to the 2007 budget process.

6. Application for a Change in Zoning for Lands Located at 968 West 5th Street (PED06387) (Ward 8) (Item 6.1)

That approval be given to **Zoning Application ZAC-06-41, Mahmood Zakeri, owner,** for a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District to permit two single-detached dwellings on separate lots, for lands located at 968 West 5th Street, as shown on Appendix "A" to Report PED06387, on the following basis:

- (a) That the subject lands be rezoned from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District.
- (b) That the draft By-law, attached as Appendix "B" to Report PED06387, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

7. **Application for Approval of a Draft Plan of Subdivision, Known as “Carlson Estates”, for Lands Located at 264 Highland Road West (Stoney Creek) (PED06386) (Ward 9) (Item 6.2)**

- (a) That approval be given to **Subdivision Application 25T-200523, by 1435520 Ontario Inc. and Joe Inverso Electric, (Ben De Rubeis and Joe Inverso), owners**, to establish a draft plan of subdivision, on lands known municipally as 264 Highland Road West, and that this approval apply to the draft plan of subdivision, known as “Carlson Estates”, prepared by Ashenhurst Nouwens Ltd. and signed by Marcus Nouwens, O.L.S. dated October 11, 2005, as shown on Appendix “B” to Report PED06386, showing a total of 8 single residential lots (Lots 1 to 8) and, one (1) Block (Block 9) for a 0.3 metre reserve, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06386, and as amended by Committee on October 3, 2006, as follows;

That Development Engineering Condition 14 be deleted and replaced with a new condition, as follows;

14. That the driveways accessing Lots 5 and 6 at the temporary dead end of Carlson Street be located only on the westerly side of the lots, away from the temporary dead end.

and the following:

- (i) Carlson Street will be dedicated to the City as a public highway
- (ii) Acknowledgement by the City of Hamilton that there will be no responsibilities for cost sharing with respect to this development; and,
- (iii) That payment of Cash-in-Lieu of parkland will be required pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the draft plan. The payment will be based on the value of the lands on the day prior to the day of the issuance of the building permit;

all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication Policy, as approved by Council.

8. Application for a Change in Zoning for Lands Known as 5 and 9 Hampton Brook Way, Former Township of Glanbrook (PED06390) (Ward 11) (Item 6.3)

That approval be given to **Zoning Application ZAR-06-53, by 1536708 Ontario Inc. (Anthony DiCenzo), owner**, for a change in zoning from the Deferred Development "DD" Zone to the Holding - Residential Multiple "H-RM3-215" Zone, in order to permit the development of 41 block townhouse units, and 3 four-storey, 16 unit, apartment buildings on the lands located at 5 and 9 Hampton Brook Way, as shown on Appendix "A" to Report PED06390, on the following basis:

- (a) That the subject lands be rezoned from the Deferred Development "DD" Zone to the Holding - Residential Multiple "H-RM3-215" Zone.
- (b) That the draft By-law, attached as Appendix "D" to Report PED06390, which has been prepared in a form satisfactory to the City Solicitor, and as amended at the Committee meeting of October 2, 2006, with regard to building height, landscaped area, parking provisions and other details, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.

9. Removal of the Holding 'H' Symbol from a Portion of the Lands Known as 398 King Street West (Hamilton) (PED06388) (Ward 1) (Item 7.1)

That approval be given to **Zoning Application ZAH-06-69, Good Shepherd Centres Hamilton, owner**, for removal of the Holding 'H' symbol from a portion of the lands known as 398 King Street West, as shown on Appendix "A" to Report PED06388, on the following basis:

- (a) That the zoning of the subject lands be changed 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 PED06388, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

- 10. Application of Parkland Dedication Policy for Brownfield Redevelopments within the ERASE Community Improvement Project Areas 2 and 3 (PED06393) (Wards 1-5) (Item 8.2)**
- (a) That for new residential development or redevelopment located within ERASE Community Improvement Project Areas 2 and 3 with approved ERASE Redevelopment Grant Applications, parkland dedication be assessed at a rate not exceeding 5% of the project's net land area as defined in By-law 03-199.
 - (b) That staff be authorized and directed to amend Parkland Dedication By-law 03-199 accordingly.
 - (c) That the Brownfields Parkland Dedication Policy item, referred from the Planning and Economic Development Committee on August 8, 2006, be identified as completed and removed from the Planning and Economic Development Committee Outstanding Business List.

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 10)

The Clerk advised of the following changes to the Agenda:

-added delegation request from Slawa Rokicki, Wood Street East, respecting noise from an air conditioner and odour problems from an adjacent property

Members of Committee approved the additional delegation request, to address Committee on October 17, 2006, and then approved the Agenda as amended.

Chair Pearson welcomed students from the Mohawk College Development Programme to the meeting.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Planning & Economic Development Committee meeting held on September 19, 2006 were approved, as presented.

(d) Application for a Change in Zoning for Lands Located at 968 West 5th Street (PED06387) (Ward 8) (Item 6.1)

A Public Meeting was held.

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

Edward John outlined the report to Committee.

Mahmood Zakeri, the applicant, addressed Committee in support of the staff recommendation.

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

Committee approved the staff recommendation.

(e) Application for Approval of a Draft Plan of Subdivision, Known as “Carlson Estates”, for Lands Located at 264 Highland Road West (Stoney Creek) (PED06386) (Ward 9) (Item 6.2)

A Public Meeting was held.

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

Peter Delulio outlined the report to Committee.

Councillor Bruckler suggested an amendment respecting the removal of the requirement for the temporary turning circle. He noted that development in this neighbourhood is proceeding rapidly and that the turning circle would hinder the development of the area.

Peter Ashenhurst, the applicant's agent, addressed Committee in support of the proposed amendment and the overall approval of the application.

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

On a Motion by Councillor Mitchell, seconded by Councillor Bratina, Committee approved the amendment regarding the elimination of the temporary turning circle.

Committee then approved the application, as amended.

(f) Application for a Change in Zoning for Lands Known as 5 and 9 Hampton Brook Way, Former Township of Glanbrook (PED06390) (Ward 11) (Item 6.3)

A Public Meeting was held.

Chair Pearson advised that an added communication had been included in the Agenda, from Armene and Lesley DeSousa.

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

Kristen West outlined the report to Committee and explained the revisions being proposed to the by-law.

Sergio Manchia addressed Committee and asked if he could speak after any members of the public, and show his powerpoint presentation at that time.

Lesley DeSousa, 43 Solsbury Crescent, addressed Committee and outlined the points she had included in her letter. Ms. DeSousa noted concerns with the inclusion of apartments and townhouses in a low density subdivision, traffic congestion and pollution, parking problems, aesthetics and other potential problems related to higher density. Ms. DeSousa noted that not all her neighbours received the notice.

Staff provided an explanation of the notification procedures.

Rebecca Jepson, 23 Fulmar, addressed Committee and expressed her support for the previous speaker. She also noted concerns respecting townhouses and apartments, aesthetics and parking.

Sergio Manchia addressed Committee and provided a brief powerpoint presentation. He confirmed that the density included in this subdivision was in accord with the Secondary Plan approved by the former Township of Glanbrook, and that the subdivision would include various design features to enhance its appearance.

Chair Pearson relinquished the Chair to Councillor Mitchell in order to speak on the matter and obtain clarification from staff respecting the height of the townhouses and parking arrangements.

Chair Pearson then resumed the Chair.

Committee discussed the matter and then approved the staff recommendation, including the revised by-law.

(g) Removal of the Holding 'H' Symbol from a Portion of the Lands Known as 398 King Street West (Hamilton) (PED06388) (Ward 1) (Item 7.1)

Paul Mallard provided an overview of the report. He confirmed that the five conditions imposed by the Ontario Municipal Board had been met, with regard to this portion of the site.

Mr. Mallard explained that the "H" removal applies to the northern portion of the site, where a 60 bed women's shelter and 24 unit apartment complex are to be built. The south-west quadrant of the site will retain the "H" Holding zoning category at this time.

Allan Whittle, Good Shepherd, advised that he supported the staff report.

Barney Daniels, Strathcona Community Council, addressed Committee and noted that while his group has been involved in discussions, there were many areas of uncertainty which remained, including the status of the funding for the second part of the shelter proposal, and the expected time frame for construction. He suggested these uncertainties should be clarified before the removal of the "H".

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

Mr. Mallard provided additional details about the funding arrangements and confirmed that if funds did not get approved for the shelter for abused women, then the use of the existing facilities would continue. He noted that the first part of the shelter building had been designed as a free-standing structure, or could have the second shelter added to it.

Councillor McHattie noted that the Community Liaison Committee would shortly be up and running and would provide an on-going means of communication between parties.

Committee approved the staff recommendation.

(h) Applications for a Draft Plan of Subdivision Known as "Stone Ridge Estates" and for a Change in Zoning for Lands Located at 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue, Hamilton (PED06369) (Ward 7) (Item 8.1)

Chair Pearson advised that this item had been tabled for 2 weeks by Committee on September 19, 2006, to allow talks between all parties.

Councillor Whitehead proposed that the matter be referred back to staff, for further discussion.

Councillor Kelly asked for clarification of what the referral motion was intended to achieve, as a meeting with all parties had been held.

Committee approved the Referral Motion on a standing recorded vote as follows;

Yeas: McHattie, Merulla, Mitchell, Whitehead Pearson
Braden, Bratina

Nays: Kelly

(i) Application of Parkland Dedication Policy for Brownfield Redevelopments within the ERASE Community Improvement Project Areas 2 and 3 (PED06393) (Wards 1-5) (Item 8.2)

Carolynn Reid provided an overview of the report.

Committee approved the staff recommendation.

(j) MOTIONS (Item 9)

None

(k) NOTICES OF MOTIONS (Item 10)

None

(l) GENERAL INFORMATION

11.1 Environment Canada Guidelines “Framework for Guiding Habitat Rehabilitation for the Great Lakes (From outstanding Business List)

Paul Mallard provided an update on how these guidelines are being used in the City’s planning process. He noted an example in the treatment of the drainage channel in Southampton Estates, considered earlier in this meeting.

By Motion, Committee removed the item from the Outstanding Business List.

11.2 Grading and flooding at San Diego Court (from Outstanding Business List)

Tony Sergi provided an update. He explained that the cost to deal with the problem range between \$2,000-\$5,000, that this is a private matter and that the City has no right of entry.

On a Motion, Committee removed the item from the Outstanding Business List.

11.3 Recommendation to Designate 191 Barton Street East, Hamilton, Under Part IV of the Ontario Heritage Act (PED05197) (Ward 2) (from Outstanding Business List) (no copy-verbal update)

Chair Pearson gave an update on the progress of the matter. She explained that Mark Preece family house is working through the various required processes, the next of which is an application for Trillium funding. Chair Pearson confirmed that the matter would be back before Committee in early 2007.

11.4 260 King Street East

Councillor Bratina provided the background to this issue and explained that financial conditions had been placed on the approval of the demolition permit for the site, in February, 2006. Councillor Bratina continued that funding for the new building had now been approved by the City of Hamilton under the Downtown Residential Loan Programme as well as through the Provincial and Federal Governments under the Strong Start component of the Canada-Ontario Affordable Housing Programme. Construction of the building has started. He explained that the requirement for the applicant to have a bond for \$340,000 was onerous, and no longer required.

Committee agreed that the financial conditions imposed were no longer necessary and also agreed that Council should be requested to re-consider this matter and remove the conditions.

By Motion, Committee directed the Clerk to bring forward the required information for a re-consideration of this item to the next Council.

11.5 Councillor Braden noted the difficulties being faced regarding the approval of intensification across the City. He suggested the City should be intentional here, to educate the public and to lead by example. Councillor

Braden suggested that a competition for good higher density design could be carried out by the Hamilton-Halton Homebuilders Association.

Councillor McHattie agreed that there should be a focus on intensification, and asked for an update regarding the special Committee which was agreed upon as part of the implementation of GRIDS.

Ms. Coveyduck responded that staff has a strategy in place for this group as part of the 2007 Budget process and agreed that public education was important.

11.6 Councillor Mitchell expressed concern that the issue of adaptation in the rural areas between new serviced residential development in areas such as Mount Hope, Winona and Binbrook, and older, un-serviced residential development, was not being addressed. He said this issue needed to be reviewed, as problems arise, when the older areas are affected by new development but are not permitted to hook into the new services and suggested that this was a project the Mohawk planning students could look at.

11.7 Councillor Bratina advised that the final report regarding VIA Rail was nearing completion and should be ready in November. He said the report would confirm the reasons for locating the new VIA Rail Station in Downtown Hamilton.

Councillor Bratina advised that as previously directed by Committee, he and Councillor Bruckler had met with the Mayor of Welland about the potential extension of GO rail service from Toronto to Welland.

11.8 Councillor Whitehead noted a concern regarding new residential development in older areas, and how existing landowners can be included. It was agreed that the Councillor would meet with staff to review this.

11.9 Paul Mallard introduced a new member of the Planning staff - Jennifer D'Andrade. Committee welcomed Ms. D'Andrade.

(m) PRIVATE AND CONFIDENTIAL

None

(n) ADJOURNMENT

On a Motion, Committee adjourned at 11:08 a.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-coordinator
Planning and Economic Development Committee
October 3, 2006