



## **PLANNING COMMITTEE**

### **MINUTES 13-006**

**9:30 am**

**Tuesday, April 16, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

- 
- Present:** B. Johnson (1<sup>st</sup> Vice Chair), J. Partridge (2<sup>nd</sup> Vice Chair), C. Collins, L. Ferguson, R. Pasuta, T. Whitehead and M. Pearson
- Absent with Regrets:** Councillor B. Clark – personal  
Councillor J. Farr (Chair) – personal
- Also Present:** Councillor T. Jackson
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#### **THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:**

- 1. Request to Include 1014 King Street West (Hamilton) and 12-14 King Street East (Hamilton) in the Register of Property of Cultural Heritage Value or Interest, Under Part IV of the Ontario Heritage Act (PED13058) (Wards 1 and 2) (Item 5.1)**

**(Pearson/Collins)**

- (a) That Council include 1014 King Street West (Hamilton), in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (b) That Council include 12-14 King Street East (Hamilton), in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (c) That Report PED13058 be forwarded to the Hamilton Municipal Heritage Committee for information.

**CARRIED**

**2. Request to Designate and to Include 1284 Main Street East (Hamilton) (Delta Secondary School) in the Register of Property of Cultural Heritage Value or Interest Under Part IV of the Ontario Heritage Act (PED13064) (Ward 4) (Item 5.2)**

**(Pearson/Collins)**

- (a) That Council include 1284 Main Street East (Hamilton) (Delta Secondary School) in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (b) That Council direct staff to carry out a Cultural Heritage Assessment of 1284 Main Street East (Hamilton) (Delta Secondary School), to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act;
- (c) That if 1284 Main Street East (Hamilton) (Delta Secondary School) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;
- (d) That the Cultural Heritage Assessment work be assigned a high priority, and be added to staff's workplan for completion in 2013, as per Appendix "G" to Report PED13064;
- (e) That Report PED13064 be forwarded to the Hamilton Municipal Heritage Committee for information.

**CARRIED**

**3. Sign Variance Application SV-12-009 for the Property Known as 1188 Rymal Road East (Hamilton), Denied by the Director, Planning Division, and Appealed by the Applicant (PED13065) (Ward 6) (Item 5.3)**

**(Partridge/Pearson)**

That the Appeal of Sign Variance Application SV-12-009, by Paletta International, to construct a ground sign to be located 35m from another ground sign displayed along the same frontage, for the property located at 1188 Rymal Road East (Hamilton), as shown on Appendix "A" to Report PED13065, be APPROVED on the following basis:

- (a) That notwithstanding the provisions of Sign By-law No. 10-197, no other ground sign(s) shall be permitted.

**CARRIED**

4. **Heritage Permit Application HP2013-005, Under Part IV of the Ontario Heritage Act, for Replacement of Windows at 1280 Main Street West (Hamilton) (McMaster University - University Hall) (PED13067) (Ward 1) (Item 5.4)**

**(Pearson/Collins)**

That Heritage Permit Application HP2013-005 be approved for replacement of windows at 1280 Main Street West (Hamilton) (McMaster University - University Hall), subject to the following conditions:

- (a) That documentation of the dimensions and installation methods for each type/size of the existing windows, as well as high-quality photographs of each façade of the building, shall be submitted, to the satisfaction and approval of Planning staff, prior to removal of any of the existing windows;
- (b) That at least three intact representative windows and hardware shall be retained and stored on site;
- (c) That any damage to the stone around the window openings shall be reported to Planning staff, and that the methodology for the repair of any damage shall be submitted, to the satisfaction and approval of Planning staff, prior to repair;
- (d) That detailed shop drawings for the replacement windows shall be submitted, to the satisfaction and approval of Planning staff, prior to the removal of any of the existing windows;
- (e) That following approval of the shop drawings, a full mock-up of the proposed windows shall be installed in one window opening, to the satisfaction and approval of Planning staff, prior to the removal of any additional windows;
- (f) That any minor changes to the specifications for the replacement windows following Heritage Permit approval shall be submitted, to the satisfaction and approval of Planning staff, prior to commencement of the alterations;
- (g) That implementation of the alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**CARRIED**

**5. Heritage Permit Application HP2013-006, Under Part V of the Ontario Heritage Act, for Erection of Structures at 870 Beach Boulevard (Hamilton) (PED13068) (Ward 5) (Item 5.5)**

**(Pearson/Collins)**

That Heritage Permit Application HP2013-006 be approved for the erection of a new single detached residence and detached garage, on the designated property at 870 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13068, subject to the following conditions:

- (a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (b) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (c) That the recommendations outlined in the Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated April 16, 2012, be implemented, to the satisfaction and approval of Planning staff;
- (d) That as many existing trees as possible shall be retained, and a minimum of one replacement tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;
- (e) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals; and,
- (f) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the construction and site alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**CARRIED**

**6. Heritage Permit Application HP2013-007, Under Part V of the Ontario Heritage Act, for Erection of a Structure at 916 Beach Boulevard (Hamilton) (PED13069) (Ward 5) (Item 5.6)**

**(Pearson/Collins)**

That Heritage Permit Application HP2013-007 be approved for the erection of a new single detached residence, on the designated property at 916 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13069, subject to the following conditions:

- (a) That the final elevations and plan, reflecting the design modifications to the front porch and gable, as requested by the Heritage Permit Review Subcommittee and Planning staff, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (b) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (c) That as many existing trees as possible shall be retained, and that a minimum of one replacement tree of a minimum caliper of 55mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling;
- (d) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (e) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (f) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the construction and site alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**CARRIED**

7. **Heritage Permit Application HP2013-008, Under Part V of the Ontario Heritage Act, for Erection of a Structure at 920 Beach Boulevard (Hamilton) (PED13070) (Ward 5) (Item 5.7)**

**(Pearson/Collins)**

That Heritage Permit Application HP2013-008 be approved for the erection of a new single detached residence on the designated property at 920 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13070, subject to the following conditions:

- (a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (b) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (c) That as many existing trees as possible shall be retained, and that a minimum of one replacement tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling;
- (d) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (e) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the construction and site alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**CARRIED**

8. **Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) (Item 6.1)**

**(Pearson/Ferguson)**

- (a) That approval be given to Amended Zoning By-law Application ZAC-12-004, by Losani Homes (1998) Limited, c/o Fred Losani, (Owner), for changes in zoning from the Neighbourhood Development "ND" Zone (Block 1), Single Residential "R2" Zone (Block 2), and Single Residential

“R4” Zone (Block 4) to the Single Residential “R3-38” Zone, with a Special Exception; from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 3); and for lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned as Neighbourhood Park (P1) Zone (Block 5), in order to permit the development of 48 single detached lots, in accordance with a proposed Draft Plan of Subdivision, “Dewitt Road Assembly” (25T-201201), for lands located at 259 Dewitt Road (Stoney Creek), as shown on Appendix “A” to Report PED13075, on the following basis:

- (i) That the draft By-laws, attached as Appendices “B” and “C” to Report PED13075, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “B” to Report PED13075, be added to Map No. “6” of former City of Stoney Creek Zoning By-law No. 3692-92;
  - (iii) That the amending By-law, attached as Appendix “C” to Report PED13075, be added to Map Nos. 1198, 1199, 1252, and 1253 of Schedule “A” of City of Hamilton Zoning By-law No. 05-200;
  - (iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.
- (b) That approval be given to **Amended Draft Plan of Subdivision Application 25T-201201, by Losani Homes (1998) Limited, c/o Fred Losani, (Owner)**, to establish a draft plan of subdivision known as “Dewitt Road Assembly”, on lands located at 259 Dewitt Road (Stoney Creek), as shown on Appendix “A” to Report PED13075, subject to the following conditions:
- (i) That this approval apply to “Dewitt Road Assembly”, 25T-201201, as red-line revised, prepared by Webb Planning Consultants Inc., and certified by S.D. McLaren, OLS, dated January 18, 2012, showing 44 single detached lots (Lots 1-25, 31, 34-50, and 58), 7 blocks for future development (Blocks 26, 27, 32, 51, 55, 56, and 57), 1 block for open space purposes (Block 28), 3 blocks for a future roadway (Blocks 53, 54 and 59), and 4 blocks for a 0.3m reserve (Blocks 29, 30, 33, and 52), attached as Appendix “D” to Report PED13075, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED13075;

- (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, and will be calculated in accordance with the City's Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each Building Permit;

With regard to Lots 1-25, 31, 34-50, and 58, inclusive (Single Detached Residential), a parkland dedication ratio of 5% shall be required.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

It should also be noted that the Open Space Block, Block 28, which is to be conveyed to the City of Hamilton, as per Condition No. 4 of Appendix "E", shall not be considered as a contribution towards the required Parkland Dedication requirements noted above.

- (aa) That the draft plan of subdivision be renumbered and amended accordingly to incorporate Block 32 as part of Lot 31.
- (iii) Acknowledgement that there will be no City share for any municipal works associated with this development.
- (iv) That the lands legally described as Part of Parts 4, 6, and 7 of Reference Plan 62R-11892, being Block 55 of the proposed Draft Plan of Subdivision, be declared surplus to the requirements of the City of Hamilton "Procedural By-law for the Sale of Land", being By-law No. 04-299 and, accordingly, that Block 55 be transferred to the owner/applicant for a nominal sum of \$2.00, to the satisfaction of the Senior Director of Growth Management.

**CARRIED**

**9. 5 Sumac, Ancaster - Connection to City Sanitary Sewer (Item 10.1)**

**(Ferguson/Pearson)**

WHEREAS the single detached dwelling located at No. 5 Sumac in the rural area fronts on a rural/urban boundary road;

AND WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;



AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost for the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 5 Sumac be permitted to connect to the Municipal sanitary sewer.

**CARRIED**

**10. 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer (Item 10.2)**

**(Ferguson/Pearson)**

WHEREAS the single detached dwelling located at No. 709 Wilson Street East in the rural area fronts on a rural/urban boundary road;

WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost of the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 709 Wilson Street East be permitted to connect to the Municipal sanitary sewer.

**CARRIED**

**11. Enforcement of Businesses Operating without a Licence (PED13037(a)) (City Wide) (Item 8.1)**

**(Whitehead/Pearson)**

- (a) That the late fee for renewing a business licence within 60 days after the annual expiry date be increased from \$60 to \$250, and that the City's User Fee and Charges By-Law be amended accordingly;

- (b) That the protocol for informing the Ward Councillors of expired business licences in their respective Wards, as prescribed in Appendix "A" to Report PED13037(a) (Enforcement of Businesses Operating Without a Licence) be approved .

**CARRIED**

**12. Agriculture and Rural Affairs Advisory Committee – Report 13-001 (Item 8.2)**

**1. Internet Service in the Rural Area**

**(Ferguson/Partridge)**

That the City of Hamilton petition the Canadian Radio-Television Telecommunications Commission (CRTC) to encourage service providers to install fiber optic cable in rural areas of Hamilton.

**CARRIED**

**13. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction (LS13010) (City Wide) (Item 12.2)**

**(Whitehead/Ferguson)**

That the recommendations contained in Report LS13010, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction, as amended, be approved and remain confidential until Council approval.

**CARRIED**

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**FOR THE INFORMATION OF COMMITTEE:**

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

The Committee Clerk advised of the following changes to the Agenda:

**1. DELEGATION REQUESTS**

- 4.2 Delegation request from Kim Houtmeyers respecting regulations for ornamental ponds, for a future meeting.

**2. NOTICE OF MOTION**

- 10.1 REVISED 5 Sumac, Ancaster - Connection to City Sanitary Sewer
- 10.2 REVISED 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer

**3. PUBLIC HEARINGS AND DELEGATIONS**

- 6.1 Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10)
  - (i) Correspondence from DeMarchi Homes Inc.

**(Pearson/Pasuta)**

That the Agenda for the April 16, 2013 meeting of the Planning Committee be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) April 2, 2013**

**(Ferguson/Collins)**

That the Minutes of the April 2, 2013 Planning Committee meeting be approved.

**CARRIED**

**(d) DELEGATION REQUESTS (Item 4)**

- (i) Delegation Request from the Canadian Racing Pigeon Union Inc., respecting the Responsible Animal Ownership By-law for the April 30, 2013 Planning Committee meeting (Item 4.1)**

**(Pearson/Partridge)**

That the delegation request from the Canadian Racing Pigeon Union Inc., respecting the Responsible Animal Ownership By-law, be referred to staff for consultation.

**CARRIED**

- (ii) Delegation request from Kim Houtmeyers respecting regulations for ornamental ponds, for a future meeting (Item 4.2)**

**(Pasuta/Collins)**

That the delegation request from Kim Houtmeyers respecting regulations for ornamental ponds, be approved for a future meeting.

**CARRIED**

**(e) CONSENT ITEMS (Item 5)**

- (i) Sign Variance Application SV-12-009 for the Property Known as 1188 Rymal Road East (Hamilton), Denied by the Director, Planning Division, and Appealed by the Applicant (PED13065) (Ward 6) (Item 5.3)**

**(Partridge/Pearson)**

That the recommendations be amended by deleting the word DENIED and replacing it with the word, "APPROVED" and by deleting sub-sections (a) through (d) and replacing them with revised sub-sections (a) and (b), to read as follows:

"That the Appeal of Sign Variance Application SV-12-009, by Paletta International, to construct a ground sign to be located 35m from another ground sign displayed along the same frontage, for the property located at 1188 Rymal Road East (Hamilton), as shown on Appendix "A" to Report PED13065, be APPROVED on the following basis:

- (a) That notwithstanding the provisions of Sign By-law No. 10-197, no other ground sign(s) shall be permitted."

**Amendment CARRIED**

For disposition on this Item, refer to item 3.

**(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**

- (i) Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) (Item 6.1)**
- (i) Correspondence from DeMarchi Homes Inc.**

In accordance with the provision of the Planning Act, Vice Chair B. Johnson advised those in attendance that 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 Council approves the zoning by-law amendments and the draft plan of subdivision, 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, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Alvin Chan, Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

**(Pearson/Partridge)**

That the staff presentation respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), be received.

**CARRIED**

Ryan Oosterhoff of Losani Homes and their agent, James Webb, provided an overview of the development with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

**(Pearson/Partridge)**

That the agent's presentation respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), be received.

**CARRIED**

**Public Speakers:**

1. Ryan Gamache – 399 MacIntosh Dr., Hamilton, ON L8E 4E1

Mr. Gamache expressed concerns with drainage and concerns with a stream under the fence line. He requested that there be a study to insure that there will not be additional flooding. He also has a retaining wall which needs repair and was told to hold off on repairs as there may be grading changes. He requested access to the developer's lands in order to repair the wall once grading was completed.

2. Greg Miller – 334 MacIntosh Dr., Hamilton, ON L8E 4E2

Mr. Miller expressed concern with the traffic issues should the cul-de-sac be opened up to traffic and possible speed increases.

**(Pearson/Pasuta)**

That the public presentations respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), be received.

**CARRIED**

**(Ferguson/Pearson)**

That the correspondence respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), be received.

**CARRIED**

**(Collins/Ferguson)**

That the public meeting respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), be closed.

**CARRIED**

**(Pearson/Ferguson)**

That recommendation (b)(i) be amended by adding a sub-section (aa), to read as follows:

“(b)(i)(aa) That the draft plan of subdivision be renumbered and amended accordingly to incorporate Block 32 as part of Lot 31.”

**Amendment CARRIED**

For disposition on this Item, refer to item 8.

**(g) MOTIONS (Item 9)**

**(i) 5 Sumac, Ancaster - Connection to City Sanitary Sewer (Item 10.1)**

**(Ferguson/Pearson)**

WHEREAS the single detached dwelling located at No. 5 Sumac in the rural area fronts on a rural/urban boundary road;

AND WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost for the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 5 Sumac be permitted to connect to the Municipal sanitary sewer.

**CARRIED**

For disposition on this Item, refer to item 9.

**(ii) 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer (Item 10.2)**

**(Ferguson/Pearson)**

WHEREAS the single detached dwelling located at No. 709 Wilson Street East in the rural area fronts on a rural/urban boundary road;

WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost of the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 709 Wilson Street East be permitted to connect to the Municipal sanitary sewer.

**CARRIED**

For disposition on this Item, refer to item 10.

**(h) NOTICES OF MOTION (Item 10)**

Councillor Ferguson introduced the following Notice of Motion:

**(i) 5 Sumac, Ancaster - Connection to City Sanitary Sewer (REVISED)  
(Item 10.1)**

WHEREAS the single detached dwelling located at No. 5 Sumac in the rural area fronts on a rural/urban boundary road;

AND WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost for the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 5 Sumac be permitted to connect to the Municipal sanitary sewer.

**(Pearson/Whitehead)**

That the rules be waived to allow the introduction of a motion respecting 5 Sumac, Ancaster - Connection to City Sanitary Sewer.

**CARRIED**



Councillor Ferguson introduced the following Notice of Motion:

**(ii) 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer (REVISED) (Item 10.2)**

WHEREAS the single detached dwelling located at No. 709 Wilson Street East in the rural area fronts on a rural/urban boundary road;

WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost of the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 709 Wilson Street East be permitted to connect to the Municipal sanitary sewer.

**(Pearson/Whitehead)**

That the rules be waived to allow the introduction of a motion respecting 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer.

**CARRIED**

**(i) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List Amendments (Item 11.1)**

That the following Outstanding Business List due dates be revised:

**(Partridge/Pasuta)**

(aa) Item L: Design Review Committee - 38 Strachan St. W/344 Bay St. N

Current Due Date: April 16, 2013

Proposed Due Date: July 9, 2013

(bb) Item S: Regulation of Rental Housing

Current Due Date: April 16, 2013

Proposed Due Date: May 14, 2013

**CARRIED**

**(Collins/Whitehead)**

That the following items be removed from the Outstanding Business List:

- (a) Item P: Hamilton Municipal Heritage Committee Report 12-005  
(Additions of properties to the Municipal Register of  
Property of Cultural Heritage Value or Interest)
- (b) Item CC: Residential Protective Plumbing Subsidy Program  
**CARRIED**

**(j) PRIVATE AND CONFIDENTIAL (Item 12)**

- (i) Closed Session Minutes – April 2, 2013 (TBD - Delivered under separate cover) (Item 12.1)**

**(Ferguson/Whitehead)**

That the Closed Session Minutes of April 2, 2013 be approved as presented and remain confidential.

**CARRIED**

**(Pasuta/Collins)**

That at 10:45 a.m., Committee move into Closed Session to consider item 12.2 which is subject to Section 239.2 (e) and (f) of the Municipal Act and Section 8.1(e) and (f) of the Procedural Bylaw as the subject matter of this item pertains to:

- litigation or potential litigation, including matters before administrative tribunals affecting the City, and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

**(Ferguson/Whitehead)**

That the Planning Committee reconvened in Open Session at 11:09 a.m.

**CARRIED**

- (ii) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction (LS13010) (City Wide) (TBD - Delivered under separate cover) (Item 12.2)**

For disposition on this Item, refer to item 13.

- (iii) **Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Gino and Olindo DalBello and Legal Direction (LS13011) (City Wide) (TBD - Delivered under separate cover) (Item 12.3)**

**(Partridge/Collins)**

That Report LS13011, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Gino and Olindo DalBello and Legal Direction, be tabled to April 30, 2013.

**CARRIED**

**(k) ADJOURNMENT**

**(Pearson/Ferguson)**

That, there being no further business, the Planning Committee adjourn at 11:12 a.m.

**CARRIED**

Respectfully submitted,

Councillor B. Johnson  
Vice Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk