



## **PLANNING COMMITTEE**

### **MINUTES 12-012**

**Tuesday, August 14, 2012**

**9:30 am**

**Council Chambers**

**City Hall**

**71 Main Street West**

**Hamilton, Ontario**

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**Present:** Councillors B. Clark (Chair), J. Farr (1<sup>st</sup> Vice Chair), B. Johnson (2<sup>nd</sup> Vice Chair), C. Collins, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

**Also Present:** Mayor R. Bratina  
Councillor S. Merulla  
T. McCabe, GM, Planning & Economic Development  
M. Hazell, Senior Director, Parking & By-Law Services  
J. Hickey-Evans, Manager, Policy Planning  
S. Robichaud, Manager, Development Planning  
V. Robicheau, Office of the City Clerk

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#### **THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:**

**1. Aggregate Resources Act Review (PED12129) (City Wide) (Item 5.1)**

**(Pasuta/Johnson)**

- (a) That the City of Hamilton endorses the motion by the Town of Caledon regarding the Aggregate Resources Act Review, passed by the Council of the Town of Caledon on April 3, 2012, attached as Appendix "A" to Report PED12129.
- (b) That this endorsement be forwarded to the Council of the Town of Caledon, the Province of Ontario, and the Association of Municipalities of Ontario (AMO).

- (c) That the item "Aggregate Resources Act Review" be identified as complete and removed from the Planning Committee's Outstanding Business List.

**CARRIED**

**2. Fulfilment of the City's 'Best Efforts' Obligation to Paul Silvestri Under 'Olmsted Park - Phase 1' Subdivision Plan, Hamilton (PED12136) (Ward 7) (Item 5.2)**

**(Pasuta/Johnson)**

- (a) That the General Manager of Planning and Economic Development Department be authorized and directed to pay the sum of \$37,798.29, consisting of \$25,379.78 construction cost, plus \$12,418.51 indexing, to Paul Silvestri in fulfillment of the City's 'Best Efforts' obligation under its Subdivision Agreement for 'Olmsted Park - Phase 1', Plan 62M-864.

- (b) That the General Manager of Finance and Corporate Services be authorized and directed to fund the payment of \$37,798.29 from Capital Account 59212 4140746100.

**CARRIED**

**3. City Initiative to Authorize the Mayor and Clerk to Approve Official Plan Amendment OPA No. 165 for Lands Located at 844 Upper Wentworth Street (Hamilton) (PED12144) (Ward 8) (Item 5.4)**

**(Pasuta/Johnson)**

That approval be given to City Initiative CI-12-H to authorize the Mayor and Clerk under the Planning Act as delegates to the former Region of Hamilton-Wentworth, to give approval to former City of Hamilton Official Plan Amendment OPA No. 165 to permit an aesthetic and beauty salon within an existing building, on lands located at 844 Upper Wentworth Street (Hamilton), as shown on Appendix "A" to Report PED12144.

**CARRIED**

**4. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard (Hamilton) (PED12152) (Ward 5) (Item 5.5)**

**(Collins/Ferguson)**

That Heritage Permit Application HP2012-034, for alterations of an existing rear addition at 1044 Beach Boulevard (Hamilton Beach Heritage Conservation District – Hamilton), be approved.

**CARRIED**

**5. Delegation from Bob Carr respecting a concern about the Urban Design Study and to present an alternative residential vision for the West Harbour (Item 6.1)**

**(Farr/Collins)**

- (a) That the West Harbour Urban Design Study terms of reference and scope of work be revised to include the Stuart Street marshalling yard;
- (b) That staff investigate temporary measures that are more aesthetically pleasing and contemplate public use;
- (c) That staff provide an update on the issue of relocating the shunting yard.

**CARRIED**

**6. Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North (Hamilton) (PED12140) (Ward 4) (Item 6.2)**

**(Collins/Pearson)**

- (a) That approval be given to Zoning Amendment Application ZAR-11-077, by Homestead Christian Care, c/o Graham Cubitt, (Owner), for a change in zoning from the "H" (Community Shopping and Commercial, etc.) District to the "H-'H'/S-1659" (Community Shopping and Commercial, etc. - Holding) District, with a Special Exception (Block 1), in order to permit a 6-storey, mixed-use building, with ground floor commercial and residential units above, on lands located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South (Hamilton), as shown on Appendix "A" to Report PED12140, on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED12140, which has 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 PED12140, be added to Schedule "E54" of City of Hamilton Zoning By-law No. 6593;
  - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.
- (b) That approval be given to Zoning Amendment Application ZAC-11-078, by Homestead Christian Care, c/o Graham Cubitt, (Owner), for changes in zoning from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1659" (Community Shopping and Commercial, etc.) District, with a Special Exception (Block 2); and from the "C" (Urban Protected Residential, etc.) District to the "G-3/S-1659" (Public Parking Lots) District, with a Special Exception (Block 3); to recognize the existing 4-storey, mixed-use building, and in order to permit a 28 space parking area, on lands located at 1429 Main Street East and 17-21 Crosthwaite

Avenue North (Hamilton), as shown on Appendix "A" to Report PED12140, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED12140, which has 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 PED12140, be added to Schedule "E54" and "E74" of the City of Hamilton Zoning By-law No. 6593;
- (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

**CARRIED**

**7. Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton (PED12101) (Ward 7) (Item 6.3)**

**(Whitehead/Ferguson)**

- (a) That approval be given to Amended Zoning Application ZAC-11-031, by Losani Homes Limited, Owners, for changes in zoning from the "C" (Urban Protected Residential, Etc.) District and "AA" (Agricultural) District to the "C" (Urban Protected Residential, Etc.) District (Block 5), "C/S-1658" (Urban Protected Residential, Etc.) District, Modified, with a Special Exception (Blocks 1, 2, and 9); "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified, with a Special Exception (Blocks 4 and 6); and "RT-30/S-1658" (Street Townhouse) District, Modified, with a Special Exception (Blocks 3, 7, and 8), to permit a residential plan of subdivision with 72 single detached dwelling lots and 7 street townhouse blocks for up to 33 street townhouses, on lands located at 1531-1605 Upper Sherman Avenue, as shown on Schedule "A" of Appendix "D" to Report PED12101, on the following basis:
  - (i) That the draft By-law, attached as Appendix "D" to Report PED12101, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law be added to Schedule "A", Map No. E38d, of Zoning By-law No. 6593;
  - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth and City of Hamilton Official Plans;
  - (iv) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended to revise the road pattern, and

change the designation from "Single and Double Residential" to "Attached Housing" for Blocks 3, 7, and 8.

- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201105, by Losani Homes Limited, Owners**, to establish a draft plan of subdivision, on lands located at 1531-1605 Upper Sherman Avenue, in the former City of Hamilton, as shown on Appendix "A" to Report PED12101, subject to the following conditions:
- (i) That this approval apply to 25T-200901, prepared by Armstrong Hunter and Associates, and certified by D. McLaren, O.L.S., Revision 4, dated July 4, 2012, showing 72 single detached dwelling lots (Lots 1-72), 7 street townhouse blocks (Blocks 73-79), the extension of Eaglewood Drive, Dulgaren Street and Brenda Street, the creation of 1 additional public road (Street "A"), 4 residential reserve blocks (Blocks 81-84), 1 block for a road widening (Block 85), and 5 blocks for 0.3 metre reserves (Blocks 86-90), attached as Appendix "B" to Report PED12101, 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 PED12101;
  - (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 each building permit. The calculation for the Cash-in-lieu payment for Lots 1-72 shall be based on 5% of the value of the lands on the day prior to the issuance of each building permit, and Townhouse Blocks 73-79 will be calculated at a rate of 1 hectare for each 300 dwelling units proposed, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said block;
  - (iii) Acknowledgement that there will be no City share for any municipal works associated with this development.

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

- (c) That Appendix "E", Special Conditions of Draft Plan of Subdivision Approval, include that the developer will contribute their proportionate share of costs for either full signage or pedestrian access signage whether it is warranted or non-warranted;
- (d) That the existing homes on Upper Sherman that will be require to eliminate their septic tanks and will be connected to the new sewer on Upper Sherman for a fee not to exceed \$5,000.00.

**CARRIED**

8. **Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road (Ancaster) (PED12137) (Ward 14) (Item 6.4)**

**(Pasuta/Ferguson)**

- (a) That Amended Official Plan Amendment Application OPA-11-020, by Joost DeBleik, Owner, to permit a surplus farm dwelling lot to be created notwithstanding that the dwelling was constructed after December 16, 2004, and to permit the depth of the surplus farm dwelling lot to be 216.95 metres, as opposed to 122 metres, on lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved;
- (b) That Amended Zoning Application ZAR-11-075, by Joost DeBleik, Owner, for a change in zoning from the Agricultural "A" Zone to a Site-Specific "A" Agricultural Zone in order to permit the lands to be used exclusively for agricultural purposes, for lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved.

**CARRIED**

9. **Demolition Report - 1361 Barton Street, Stoney Creek (PED12139) (Ward 11) (Item 8.2)**

**(Johnson/Pasuta)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 1361 Barton Street, Stoney Creek in accordance with By-Law 09-208 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

- (a) That the applicant will apply for a building permit within 2 years of demolition of the existing building;
- (b) That the said building permit specifies that the replacement building be erected within two years of the issuing date of the building permit;
- (c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;
- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a

form satisfactory to the Director of Building Services and to the City Solicitor;

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

**CARRIED**

**10. Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law (City Wide) (PED12143) (Item 8.3)**

**(Ferguson/Partridge)**

That Report PED12143, Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law, be received.

**CARRIED**

**11. Residential Drainage Assistance Program (RDAP) - 74 Stewartdale Avenue (PED12146) (Ward 5) (Item 8.4)**

**(Ferguson/Collins)**

That the implementation of drainage improvements identified for 74 Stewartdale Avenue, with an estimated cost of \$25,000, be fully funded from Capital Budget 5180855850 (Storm Events Response Group) subject to:

- (a) An appropriate agreement between the City and owner of the 74 Stewartdale Avenue for the above grant monies based on the provisions of the Residential Drainage Assistance Program (RDAP);
- (b) The City being granted an easement over the proposed catchbasin and storm lead, together with an agreement that specifies maintenance of the catchbasin to be the sole responsibility of the homeowner, in a form satisfactory to the City Solicitor.

**CARRIED**

**12. Downtown Parking Study Update (PED12153) (Ward 2) (Item 8.5)**

**(Collins/Partridge)**

That staff be authorized and directed to negotiate a single source contract, in a form satisfactory to the City Solicitor, with MMM Group Limited to undertake an update to the 2005 Downtown Parking Study, not to exceed \$100,000.00 funded from the Parking Reserve Account No. 108021.

**CARRIED**

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**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA**

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

**DELEGATION REQUESTS**

- 4.2 Delegation Request from James Webb, respecting Item 8.2 on today's agenda, Report PED12139 – Demolition of 1361 Barton Street East, Stoney Creek, Ontario
- 4.3 Delegation Request from Yarek Jarzebski, respecting Item 5.5 on today's agenda, Report PED12152. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard

**(Johnson/Pearson)**

That the Agenda for the August 14, 2012 meeting of the Planning Committee be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST**

Councillor Ferguson declared a conflict of interest for item 5.1, Aggregate Resources Act Review (PED12129), as a family member is employed in the industry.

Councillor Ferguson declared a conflict of interest for item 8.1, Business Licensing Fee Review (PD01104(f)), as his family is involved with one of the businesses (taxi) whose fees are being reviewed.

Councillor Partridge declared a conflict of interest for item 8.1, Business Licensing Fee Review (PD01104(f)), as her family is involved with one of the businesses (plumbing) whose fees are being reviewed.

**(c) APPROVAL OF MINUTES**

**(i) July 10, 2012**

**(Ferguson/Pearson)**

That the Minutes of the July 10, 2012 Planning Committee meeting be approved.

**CARRIED**



**(d) DELEGATION REQUESTS**

- (i) Delegation from Bill Warnick respecting the City's policies and signing for through streets (Item 4.1)**

**(Johnson/Pasuta)**

That the delegation request from Bill Warnick, respecting the City's policies and signing for through streets, be referred to the Public Works Committee.

**CARRIED**

- (ii) Delegation Request from James Webb, respecting Item 8.2 on today's agenda, Report PED12139 – Demolition of 1361 Barton Street East, Stoney Creek, Ontario (Item 4.2)**

**(Ferguson/Johnson)**

That the delegation request from James Webb, respecting Item 8.2 on today's agenda, Report PED12139 – Demolition of 1361 Barton Street East, Stoney Creek, Ontario, be approved.

**CARRIED**

- (iii) Delegation Request from Yarek Jarzebski, respecting Item 5.5 on today's agenda, Report PED12152. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard (Item 4.3)**

**(Pasuta/Johnson)**

That the delegation request from Yarek Jarzebski, respecting Item 5.5 on today's agenda, Report PED12152. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard, be approved.

**CARRIED**

**(e) CONSENT ITEMS**

- (i) Committee of Adjustment Minor Variance Application HM/A-12:43 for the Property Known as 222 Wentworth Street South (Hamilton) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED12138) (Ward 2) (Item 5.3)**

**(Farr/Collins)**

That report PED12138, Committee of Adjustment Minor Variance Application HM/A-12:43 for the Property Known as 222 Wentworth Street South (Hamilton) - Supported by the Planning and Economic Development

Department but Denied by the Committee of Adjustment, be deferred to the September 5, 2012 meeting of the Planning Committee for further consultation.

**CARRIED**

- (ii) **Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard (Hamilton) (PED12152) (Ward 5) (Item 5.5)**

**(Collins/Ferguson)**

That the recommendations contained in Report PED12152, Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard, be deleted and replaced with the following:

That Heritage Permit Application HP2012-034, for alterations of an existing rear addition at 1044 Beach Boulevard (Hamilton Beach Heritage Conservation District – Hamilton), be permitted.

**Amendment CARRIED**

For disposition on this item, refer to item 4.

**(f) PUBLIC HEARINGS AND DELEGATIONS**

- (i) **Delegation from Bob Carr respecting a concern about the Urban Design Study and to present an alternative residential vision for the West Harbour (Item 6.1)**

**(Whitehead/Farr)**

That the delegation from Bob Carr respecting a concern about the Urban Design Study and to present an alternative residential vision for the West Harbour, be received.

**CARRIED**

For disposition on this item, refer to item 5.

- (ii) **Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North (Hamilton) (PED12140) (Ward 4) (Item 6.2)**

- (aa) Correspondence from citizens  
(A) Rhonda Crawford  
(B) William Vis  
(C) Heather McLeod  
(D) Nadim Alam

- (E) Lindsay Bellemore
- (F) Barb Davie
- (G) June Noonan
- (H) M. Jordan
- (I) Marie Holloway
- (J) Tim Brand
- (K) Ryan Kneisz
- (L) Elaine Kenny
- (M) Jessica Brand
- (N) Patti Lachaine

In accordance with the provision of the Planning Act, Chair B. Clark 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, 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 official record.

**(Pearson/Collins)**

That the staff presentation respecting Report PED12140, Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North, be received.

**CARRIED**

(bb) Public Speakers

- (A) Lisa Prouse – 37 Tuxedo Ave. S., Hamilton, ON L8K 2R7

Ms. Prouse expressed concerns over parking in the area.

- (B) Juilien Way - 1410 Main St. E., Hamilton, ON L8K 1C3

Ms. Way expressed concerns over parking in the area.

**(Johnson/Pasuta)**

That the public hearing respecting Report PED12140, Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at

1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North, be closed.

**CARRIED**

**(Partridge/Farr)**

That the public presentations and correspondence respecting Report PED12140, Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North, be received.

**CARRIED**

For disposition on this item, refer to item 6.

**(iii) Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton (PED12101) (Ward 7) (Item 6.3)**

In accordance with the provision of the Planning Act, Chair B. Clark 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 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.

Chris Bell, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record. Mr. Bell also noted a clerical amendment to Appendix "D" of Report PED12101, Page 3 of 6, Section 5 (b) to insert the words, "s 3 and", after the words, "the minimum rear yard Block".

**(Pearson/Collins)**

That the staff presentation respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, be received.

**CARRIED**

(aa) Public Speakers

(A) Art Witten – 164 Eleanor Ave., Hamilton, ON L8W 1C8

Mr. Whitten expressed concerns with the proposed cul-de-sac as it will now allow enough property frontage and how it will impact his lot should his neighbour not wish to build.

(B) Andy Boers – 208 Eleanor Ave., Hamilton, ON L8W 1C8

Mr. Boers expressed concerns over drainage and the dumping of property materials as well as his lot being land locked.

(C) Vicky Rigby – 1561 Upper Sherman Ave., Hamilton, ON L8W 1C4

Ms. Rigby Expressed concerns over the easement, septic systems leveling and grading the land, construction as well as lighting in the area.

(D) Carolyn Winstanley – 1581 Upper Sherman Ave., Hamilton, ON L8W 1C4

Ms. Winstanley expressed concerns over the easement, septic systems leveling and grading the land, construction as well as lighting in the area.

**(Ferguson/Pearson)**

That the public hearing respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, be closed.

**CARRIED**

**(Partridge/Farr)**

That the public presentations respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, be received.

**CARRIED**

Steven Armstrong, agent, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

**(Pearson/Partridge)**

That the agent's presentation respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, be received.

**CARRIED**

**(Whitehead/Pearson)**

That Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, be amended by adding a new recommendation (c), as follows:

- (c) That Appendix "E", Special Conditions of Draft Plan of Subdivision Approval include that the developer will contribute their proportionate share of costs for either full signage or pedestrian access signage whether it is warranted or non-warranted.

**Amendment CARRIED**

**(Ferguson/Partridge)**

That Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, be amended by adding a new recommendation (d), as follows:

- (d) That the existing homes on Upper Sherman that will be require to eliminate their septic tanks and will be connected to the new sewer on Upper Sherman for a fee not to exceed \$5,000.00.

**Amendment CARRIED**

For disposition on this item, refer to item 7.

- (iv) **Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road (Ancaster) (PED12137) (Ward 14) (Item 6.4)**

In accordance with the provision of the Planning Act, Chair B. Clark 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 Official Plan and Zoning By-law amendments, 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.

Cam Thomas, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

**(Ferguson/Pearson)**

That the staff presentation respecting Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, be received.

**CARRIED**

(aa) Public Speakers

(A) Jeff deBlieck – 3197 Powerline Rd., L0R 1T0

Mr. deBlieck expressed concerns over operating the farm with the current dwelling.

(B) Kevin deBlieck – 2959 Powerline Rd., L0R 1T0

Mr. deBlieck expressed concerns over operating the farm with the current dwelling.

(C) Paul Errygers – 401 Lynden Rd., L0R 1R0

Mr. Errygers highlighted some of the historical background of the property.

**(Ferguson/Pearson)**

That the public hearing respecting Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, be closed.

**CARRIED**

**(Ferguson/Pearson)**

That the public presentations respecting Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, be received.

**CARRIED**

**(Pasuta/Ferguson)**

That the recommendations contained in Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an

Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, be amended, to read as follows:

- (a) That Amended Official Plan Amendment Application OPA-11-020, by Joost DeBleik, Owner, to permit a surplus farm dwelling lot to be created notwithstanding that the dwelling was constructed after December 16, 2004, and to permit the depth of the surplus farm dwelling lot to be 216.95 metres, as opposed to 122 metres, on lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved;
- (b) That Amended Zoning Application ZAR-11-075, by Joost DeBleik, Owner, for a change in zoning from the Agricultural "A" Zone to a Site-Specific "A" Agricultural Zone in order to permit the lands to be used exclusively for agricultural purposes, for lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved.

**CARRIED**

For disposition on this item, refer to item 8.

**(g) DISCUSSION ITEMS**

**(i) Business Licensing Fee Review (PD01104(f)) (City Wide) (Item 8.1)**

**(Pearson/Whitehead)**

That Report PD01104(f), Business Licensing Fee Review be referred to the Open for Business Sub-Committee.

**CARRIED**

**(ii) Demolition Report - 1361 Barton Street, Stoney Creek (PED12139) (Ward 11) (Item 8.2)**

**(Johnson/Pasuta)**

That the recommendations contained in Report PED12139, Demolition Report - 1361 Barton Street, Stoney Creek, be amended, as follows:

"That the applicant will apply for a building permit within 2 years of demolition of the existing building"

**CARRIED**

For disposition on this item, refer to item 9.



**(iii) Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law (City Wide) (PED12143) (Item 8.3)**

**(Johnson/Pasuta)**

That Larry Pomerantz request to speak to Report PED12143, Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law, be approved.

The motion LOST on the following vote:

Yeas: B. Johnson and R. Pasuta  
Total: 2  
Nays: C. Collins, J. Farr, L. Ferguson, J. Partridge and B. Pearson  
Total: 5  
Absent: C. Clark and T. Whitehead  
Total: 2

**(h) GENERAL INFORMATION AND OTHER BUSINESS**

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

**(Johnson/Collins)**

That the following Outstanding Business List due dates be revised:

- (aa) Item J: Losani Homes, Royal Winter Drive, Binbrook  
Current Due Date: August 14, 2012  
Proposed Due Date: October 2012
- (bb) Item M: Hess Village Paid Duty Program  
Current Due Date: August 14, 2012  
Proposed Due Date: September 18, 2012

**CARRIED**

**(Collins/Pearson)**

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

- (a) Item R: Business Licensing Fee Review (PD01104(e))
- (b) Item X: Aggregate Resources Act Review
- (c) Item S: Request to Designate 231 Ferguson Avenue South Under Part IV of the Ontario Heritage Act

**CARRIED**

**(i) PRIVATE AND CONFIDENTIAL**

**(i) Closed Session Minutes – June 19, 2012 (Item 12.1)**

**(Johnson/Ferguson)**

That the Closed Session Minutes of the June 19, 2012 meeting of the Planning Committee be approved, as presented, and remain confidential and restricted from public disclosure.

**CARRIED**

**(j) ADJOURNMENT**

**(Pearson/Ferguson)**

That, there being no further business, the Planning Committee be adjourned at 1:30 p.m.

**CARRIED**

Respectfully submitted,

Councillor B. Clark  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk  
August 14, 2012