Planning and Economic Development Committee

MINUTES 06-019

October 23, 2006
3.00 p.m.
Council Chambers
Hamilton City Hall

Present: Chair M. Pearson
1st Vice-Chair D. Mitchell
2nd Vice-Chair B. Bratina
Councillors S. Merulla, T. Whitehead

Absent: Councillors D. Braden, B. Mchattie – Personal Business
Councillor B. Kelly – City Business
Councillor M. Ferguson – Illness

Staff Present: G. Peace, City manager
L. Coveyduck, General Manager, Planning and Economic Development
T. McCabe, P. Mason, T. Redmond, D. Mousseau, N. Everson, C. Reid
Planning and Economic Development Department
C. Biggs – City Clerk's Office

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. Re-establishment of Sub-Committees Reporting to the Economic Development and Planning Committee (CL06011(c)) (City Wide) (Item 5.1) (Mitchell/Bratina)

   (a) That the Sub-Committees as outlined in Appendix “A”, as amended, attached to Report CL06011(c) be re-established, to report to the Economic Development and Planning Committee in the next term of Council;

   (b) That the required Council appointments for each Sub-Committee, in accordance with the composition as shown, be determined at the Nominating Committee meeting of the new term of Council;
(c) That the citizen composition of the following Sub-Committees, be re-affirmed:

(i) Cleanliness and Security in the Downtown Core Task Force

2 Business Improvement Area representatives
2 Community representatives

(ii) Hamilton BIA and Business Association Co-ordinating Committee

Stakeholder representatives

(iii) City of Hamilton/Canadian Pacific Railway (CPR) Liaison Committee:

3 from the area of the Kinnear Yard (Ottawa/Wentworth Corridor)
3 from the area of the Aberdeen Yard
2 from the area of Ferguson Street South/Emerald Street South/Grant Avenue

(iv) VIA Rail Task Force

1 representative from the Hamilton and District Chamber of Commerce
1 representative from the Tourism Hamilton Board
1 representative from the civilian transit advisory group;
2 citizens at-large

(v) ARAAC-add this

(d) That the terms for the citizen members be for the term of the 2006-2010 Council, or until such time as their respective mandates have been completed, or successors appointed.

CARRIED as amended

2. International Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2007 (PED06428) (Wards 2 & 3) (Item 5.2)

(Mitchell/Bratina)

(a) That the 2007 operating budget for the International Village B.I.A. (attached as Appendix ‘A’ to Report PED06428) be approved in the amount of $145,000;

(b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2007 budget as referenced in sub-section (a) above;
(c) That the following schedule of payments for 2007 be approved:

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<td>January</td>
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CARRIED

Note: The $10,000 advancement plus interest will be deducted from the January payment. 2006 assessment appeals may be deducted from the June levy payment.

3. Joe Giglia, 18 Picton Street East, respecting City by-laws respecting the keeping of birds (Delegation approved by Committee on October 17, 2006) (Item 6.1)

(Bratina/Merulla)
(a) That the Order to Comply issued to Mr. Joe Giglia of 18 Picton Street East, Hamilton, be held in abeyance until such time as staff complete a review and consolidation of the Animal Care Control By-law and Zoning By-law;
(b) That a report be brought back to the Committee with recommendations addressing the issue of raising birds (budgies, canaries and finches) in residential neighbourhoods. CARRIED

4. Amendment to the City of Hamilton Licensing Code as Recommended by the Sign By-law Study (PED05172(c)) (City Wide) (Item 6.2)

(Whitehead/Mitchell)
That the by-law attached as Appendix “A” to Report PED05172(c), being an amendment to the City of Hamilton Licensing Code requiring persons or businesses that lease or rent Mobile Signs to be licensed, be passed and enacted. CARRIED

5. ERASE Redevelopment Grant Application (ERG-06-06) – Concession Street Holdings Inc. (Dave Kemper), 500 Concession Street, Hamilton (PED06423) (Ward 7) (Item 8.3)

(Whitehead/Merulla)
(a) That ERASE Redevelopment Grant Application ERG-06-06, submitted by Concession Street Holdings Inc. (Dave Kemper), owner of the property at 500 Concession Street, for an ERASE Redevelopment Grant not to exceed $91,050 payable to Concession Street Holdings Inc. over a maximum of seven (7) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.
(b) That the City enter into an ERASE Redevelopment Agreement with Concession Street Holdings Inc. (Dave Kemper) regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 500 Concession Street, with such agreement to be satisfactory to the City Solicitor.  

CARRIED

6. Bill 51 An Act to Amend the Planning Act and the Conservation Land Act, and Proposed Regulations (PED06421) (City Wide) (Item 8.4)

(Merulla/Whitehead)

(a) That Report PED06421 regarding Bill 51 An Act to amend the Planning Act and the Conservation Land Act, and proposed Regulations, be received for information; and,

(b) That the Clerk be directed to forward a copy of Report PED06421 to the Ministry of Municipal Affairs and Housing, the Minister of Municipal Affairs and Housing, all local Members of Provincial Parliament, and AMO, as the City’s formal response to Bill 51 and proposed Regulations.  

CARRIED

7. Mobile Access for Building Inspections (PED06426) (City Wide) (Item 8.5)

(Merulla/Whitehead)

(a) That the implementation of the Mobile Access for Building Inspections initiative for the Building and Licensing Division, Planning and Economic Development Department, as detailed in Appendix A to Report PED06426, be endorsed.

(b) That the project implementation cost estimated at $243,000 be financed by the Building Permit Revenue Stabilization Reserve.  

CARRIED

8. Relocation of the Taxi Inspection Office/Garage (PED06427) (City Wide) (Item 8.6)

(Merulla/Whitehead)

(a) That the expenditure of $220,000 to renovate and outfit a taxi inspection office in the garage facilities at 330 Wentworth Street be approved.

(b) That the cost of the work to renovate and outfit the garage be financed by a loan from the Tax Stabilization Reserve and that the loan be repaid over a ten (10) year period.  

CARRIED
9. Ancaster Village Core Advisory Committee (Item 9.1)
(Merulla/Whitehead)
That the Ancaster Village Core Advisory Committee continue to exist, through the next term of Council. CARRIED

10. Lister Block Development (Hamilton LACAC Report 06-003)
(Merulla/Whitehead)
That Hamilton LACAC (Municipal Heritage Committee) advise City Council of its support, in principle, for the rehabilitation plan proposal for the Lister Block, as generally set out in the Heritage Report prepared by Julian Smith & Associates, Architects and Clinton Brown Company Architecture, dated September 23, 2006, subject to the details of alterations in future Heritage Permit applications being delegated to the Director of Development and Real Estate, in consultation with the Heritage Permit Review Subcommittee and the approved delegation policy. CARRIED

11. Chip Wagon located at the Corner of Cannon Street East and Ferguson Avenue (New Business – No Copy)
(Bratina/Merulla)
(a) That the owner/operator of a Chip Wagon located at the corner of Cannon Street East and Ferguson Avenue North, Hamilton, be given notice to file a rezoning application within sixty (60) days notice;

(b) That by-law enforcement be held in abeyance for the said 60 days pending receipt of such application;

(c) That in the interim, staff work with the applicant to find an alternate acceptable location, in the event the applicant chooses not to proceed with a rezoning application for this property. CARRIED

12. Application for a Change in Zoning for the Property Located at 2474 Highway No. 56 (Glanbrook) (PED06205) (Ward 11)
(Mitchell/Whitehead)
That approval be given to Zoning Application ZAC-06-019, by Dave Zimmerman, owner, for a change in zoning from the Existing Residential “ER” Zone to the General Commercial - Holding “H-C3-213” Zone, to permit a used car dealership and an accessory motor vehicle repair shop for the property located at 2474 Highway No. 56, as shown on Appendix “A” to Report PED06205, on the following basis:
(a) That the subject lands be rezoned from the Existing Residential “ER” Zone to the General Commercial-Holding “H-C3-212” Zone.

(b) That the “H” Holding provision may be removed by a further amendment to this By-law, at such time as the subject lands are serviced by municipal sanitary and storm water services. The use of these lands while zoned “H-C3-212” shall be restricted to a used motor vehicle dealership and an accessory automotive repair shop within the existing buildings.

(c) That the draft By-law, attached as Appendix “D” to Report PED06205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan. CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the Agenda:

(i) Amended Pages 3 and 4 to Appendix “A” of Report CL06011(c) respecting the Re-establishment of Sub-Committees Reporting to the Economic Development and Planning Committee (Item 5.1)

(ii) Request to Appear from George Langadinos with respect to licensing Mobile Sign Business (Item 6.2)

(iii) Material Related to Item 8.1 of Agenda - Applications to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law and for Approval of a Draft Plan of Subdivision on the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (PED06419) (Ward 11)

(a) Request to Appear and give a Power Point presentation from Armstrong Hunter & Associates, Urban Planning Consultants, on behalf of Losani Homes, respecting Application to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law (Copy of Power Point Presentation attached)
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(b) Written Submission from Losani Homes

(c) Correspondence from David Tang, Gowling Lafleur Henderson LLP, Solicitors, on behalf of Losani Homes, respecting findings of UrbanMetrics Inc.’s Employment Land Needs Analysis, and consistency with Policy 1.3.2 of the 2005 Provincial Policy Statement

(d) Correspondence from Jeffrey S. Climans, The Climans Group Inc., to Armstrong Hunter and Associates respecting review of documents prepared by Hemson Consulting

(e) Letters of Support for Losani Homes development from:

(AA) Todd and Anabela Bradley
(BB) Sherry Style

(iv) Report 06-003 of Hamilton LACAC (Municipal Heritage Committee)
(Added Item 8.7)

(Bratina/Mitchell)
That the agenda be approved, as amended. CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) DELEGATION REQUESTS

(i) Request to Appear from George Langadinos with respect to the Mobile Sign Business

(Merulla/Bratina)
That Mr. Langadinos’ request to appear respecting the Mobile Sign Business, be approved. CARRIED

(ii) Request to Appear and give a Power Point presentation from Armstrong Hunter & Associates, Urban Planning Consultants, on behalf of Losani Homes, respecting Application to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law

(Mitchell/Bratina)
That the above-noted request to appear and give a power point presentation be approved. CARRIED
(d) Joe Giglia, 18 Picton Street East, respecting City by-laws respecting the keeping of birds (Delegation approved by Committee on October 17, 2006) (Item 6.1)

Mr. Joe Giglia appeared before the Committee to request that consideration be given to amending Clause 1(f) of By-law 87-016 to exclude banded budgies and finches from the “Class 3 animal” category, and to request that the Order to Comply issued to reduce the number of birds on his premises be extended to December 31, 2006.

Chair Pearson thanked the delegation.

Sue McGrath, Manager of Standards and Licensing, advised the Committee that the Animal Care and Control By-law provides for the keeping of “animals”; however, the Zoning By-law also has an impact in that it prohibits the keeping and raising of birds at Mr. Giglia’s residence. In a situation where the two by-laws are in conflict, the Zoning By-law prevails. She advised that staff is in the process of reviewing and consolidating the two by-laws, which will be presented to Committee and Council in the new year.

Councillor Bratina commented that the Order to Comply issued for November 15, 2006 is a hardship for Mr. Giglia, who has been carrying on his hobby in a clean and acceptable manner for many years.

Committee received the delegation.

(e) Amendment to the City of Hamilton Licensing Code as Recommended by the Sign By-law Study (PED05172(c)) (City Wide) (Item 6.2)

A Public meeting was held.

Dan Mousseau, Co-ordinator, Sign By-law, gave a brief outline of the amendments to the Sign By-law which was previously approved. He informed the Committee that Notice of the Public Meeting was advertised in The Spectator and on the City of Hamilton website, and that notification was also sent to businesses in the sign industry.

Chair Pearson requested if there was anyone present wishing to address this item.

Mr. Don McPhail of Advantage Signs expressed concern with Clause 5.1(d) of the proposed amendment which deals with “Prohibitions”. He indicated that many
advertisers are using print form on signs which cannot be vandalized; therefore, would the requirement for a mobile sign to be secured with a locking mechanism still be applicable?

Mr. Mousseau responded the intent of this specific clause is to avoid manipulation of a sign in anyway, and that if the print form cannot be altered or manipulated, then it meets the requirements of the by-law.

Chair Pearson called upon Mr. George Langadinos to address the Committee, as per his written request to do so. Mr. Langadinos was not present.

(f) Applications to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law and for Approval of a Draft Plan of Subdivision on the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (PED06419) (Ward 11) (Item 8.1)

Staff advised that approval of this development would not be consistent with the Provincial Policy Statement (PPS); however, if the Committee wished to pursue approval of this application, it would have the ability to do so, although reasons for consistency with the PPS must be given.

(Mitchell/Whitehead)
That the Hempson Consulting Ltd. and Urbanmetrics reports be adopted as a comprehensive review as defined under the Provincial Policy Statement, and that the principle of redesignating the properties located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street to “Residential, be approved, subject to the detailed Official Plan Amendment, Zoning By-law and all conditions for draft plan of subdivision approval coming back to the Economic Development and Planning Committee as soon as possible in 2007.

Chair Pearson called upon Tom Lederer, Solicitor, Davis and Company, to address the Committee regarding the matter. Mr. Lederer’s comments included, but were not limited to, the following:

- Made reference to a similar case cited in correspondence from Gowling Lafleur Henderson LLP with respect to O’Shanter Development co. vs. Durham (Regional Municipality), (2006) O.M.B.D. No. 1010
- If it is the determination that this land is appropriate for residential uses, there is no impediment in the Provincial Policy Statement which would stop the Committee from approving or moving proposals the along
- Do respect staff’s efforts to make absolutely sure that this is right; no question that what is here is a comprehensive review; review demonstrates sufficient evidence that there is sufficient land available for employment
• Growth Plan – Places to Grow – are transition provisions that apply to this growth plan; if application made before June 16, and less than 300 acres, then growth plan does not apply; real question to be asked is, is this the right thing to do

(Whitehead/Merulla)
That the Motion moved by Councillor Mitchell, seconded by Councillor Whitehead, be tabled until the new term of Council.

The Motion CARRIED on the following vote:

Yeas: Pearson, Bratina, Merulla, Whitehead
Total Yeas: 4

Nays: Mitchell
Total Nays: 1

Absent: Braden, Kelly, McHattie
Total Absent: 3

Tom Lederer requested the Minutes note that his request to address the tabling motion was denied by the Committee.

(g) Operational Review of the Committee of Adjustment (PED06407) (City Wide) (Item 8.2)

Tim McCabe provided an overview of the proposed structure of the Committee of Adjustment.

(Mitchell/Merulla)
That Report PED06407 respecting the Operational Review of the Committee of Adjustment be tabled pending further discussion by the Agricultural and Rural Affairs Committee, and brought back to the new term of Council. CARRIED

(h) ERASE Redevelopment Grant Application (ERG-06-06) – Concession Street Holdings Inc. (Dave Kemper), 500 Concession Street, Hamilton (PED06423) (Ward 7) (Item 8.3)

Carolynn Reid, Business Development Consultant, advised that the Application meets all the requirements of the ERASE Redevelopment Grant Application.
(i) **Bill 51 An Act to Amend the Planning Act and the Conservation Land Act, and Proposed Regulations (PED06421) (City Wide) (Item 8.4)**

Tim McCabe advised the Committee that Bill 51 has had 3 Readings in the House, and a date for Royal Assent is yet to be determined.

Mr. McCabe outlined highlights of Bill 51, including its benefits and additional requirements once the Bill becomes effective. Mr. McCabe also made particular mention that the exemption for energy undertakings from the Planning Act is a concern to staff and many other municipalities.

(j) **OTHER BUSINESS**

(i) **Chip Wagon located at the Corner of Cannon Street East and Ferguson Avenue North, Hamilton (New Business – No Copy)**

Councillor Bratina spoke on behalf of the operator of a chip wagon located on the parking lot of a cleaning establishment at the corner of Cannon Street East and Ferguson Avenue North. When the owner applied for a license renewal, she was advised that the license could not be issued as the lot is not zoned for this type of business. Councillor Bratina requested the Committee's consideration in permitting the operator to continue operating at that site on a temporary basis until such time as a rezoning application is made, or the site is required for a new development purpose.

The Committee's recommendation is shown in Item 13 of this report.

(ii) **Application for a Change in Zoning for the Property Located at 2474 Highway No. 56 (Glanbrook) (PED06205) (Ward 11)**

(Whitehead/Mitchell)

That Information Item (u) of Planning and Economic Development Committee Report 06-018 respecting Application for a Change in Zoning for the Property Located at 2474 Highway No. 56 (Glanbrook) (PED06205) (Ward 11), be lifted from the table. **CARRIED**

Councillor Mitchell advised the Committee that concerns with respecting ingress to and egress from the roundabout have been resolved.
(k) Acknowledgements

Chair Pearson thanked Lee Ann Coveyduck, General Manager of Planning and Economic Development for all of their efforts and dedication over the past year. She also thanked Alexandra Rawlings, Committee Co-ordinator, for the legislative support she provided to the Committee, and staff of the City Clerk’s Office, for their services.

Chair Pearson also thanked members of the Committee.

Lee Ann Coveyduck thanked Chair Pearson for her leadership over the past year and applauded the members of the Committee.

(l) ADJOURNMENT

On a Motion, Committee adjourned at 4:30 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Carolyn Biggs
Legislative Assistant
October 23, 2006