Present: Chair M. Pearson
Vice Chairs, Councillors: B. Bratina, L. Ferguson,
Councillors: B. Clark, S. Duvall, B. McHattie, D. Mitchell,
R. Pasuta, T. Whitehead

Staff Present: P. Mallard, T. Sergi, B. Janssen, J. Spolnik, M. Hazell,
G. Norman, N. Everson, S. Robichaud, D. Falletta, J. Hahn,
E. John, C. Reid, K. Mihaljevic, H. Travis, M. Sergi, B. Khes – Planning and Economic Development
L. Pasternak - Legal
M. Meyer, A. Rawlings, Co-ordinator - City Clerk's Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 09-009 AND RESPECTFULLY RECOMMENDS:

1. Commercial Heritage Improvement and Restoration Program (CHIRP) Fall 2008 Grant Applications (Wards 12 and 13) (PED09102) (Item 5.1)

   (a) That a conditional grant agreement be issued within the terms of the Commercial Heritage Improvement and Restoration Program (CHIRP) for two restoration projects, identified in Appendix “A” to Report PED09102.

   (b) That the applicants be notified that their property taxes must be paid in full prior to any grant monies being advanced for completed work, and that no grant funds will be paid out until the condition is met and, if the property taxes are not paid in full within one year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant offer will be considered void and withdrawn.

   (c) That the grant portion for the two projects, in the total amount of $27,869.75, be funded from the CHIRP Reserve 102047.
(d) That the Director of Planning be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion for each individual grant does not exceed $20,000.00, and said grant increase/decrease is in accordance with all program requirements.

(e) That the Director of Planning be authorized to approve a maximum extension period of ninety days to the applicants for the completion of the work, over and above the one year period that the applicants are given, which commences the date Council approves the grant.

(f) That staff be authorized and directed to prepare and execute a Letter of Understanding with the applicants, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

(g) That prior to any grant monies being advanced, the Owner of 548 Old Dundas Road, Ancaster (Ancaster Old Mill) be required to enter into a Heritage Conservation Easement Agreement with the City of Hamilton to conserve and protect the real property at 548 Old Dundas Road, Ancaster.

(h) That the City Solicitor be directed to prepare the necessary documents for the Heritage Conservation Easement Agreement between the Owner of 548 Old Dundas Road, Ancaster, and the City of Hamilton.

2. Demolition Permit – 40 East 36th Street (Hamilton) (PED09099) (Ward 6) (Item 5.2)

That the Director of Building Services be authorized and directed to issue a demolition permit for 40 East 36th Street in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a permitted replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(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; and,

(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.

3. **Demolition Permit – 144 Upper Mount Albion Road (Stoney Creek) (PED09100) (Ward 9) (Item 5.3)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 144 Upper Mount Albion Road, Stoney Creek in accordance with By-law 08-226 pursuant to Section 33 of *The Planning Act* as amended.

4. **Demolition Permit – 180 Napier Street (PED09104) (Ward 1) (Item 5.4)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 180 Napier Street in accordance with By-Law 08-226 pursuant to Section 33 of *The Planning Act*, as amended.

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year 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; and,
(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.

5. Demolition Permit – 35 Cameron Drive (Ancaster) (PED09105) (Ward 12)

That the Director of Building Services be authorized and directed to issue a demolition permit for 35 Cameron Drive (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year 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; and,

(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.

6. Demolition Permit – 280 Brookview Court (Ancaster) (PED09110) (Ward 12) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 280 Brookview Court (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;
(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(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; and,

(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.

7. **Ontario Realty Corporation Surplus Land - Project 7926 - Located at 000 Governor’s Road, Described as Part of Lots 33 and 34, Concession 1, shown as Part 4 on Plan 62R-3039, former Township of Ancaster, now City of Hamilton (PED09106) (Ward 14) (Item 5.7)**

(a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation that the City of Hamilton has no interest in acquiring their land located at the intersection of Governor’s Road and Old Hwy. 99, legally described as Part of Lots 33 and 34, Concession 1, in the former Township of Ancaster, now City of Hamilton, more particularly described as Part 4 on Plan 62R-3039, as shown on Appendix “A” to Report PED09106.

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” Section of Report PED09106.
8. **Declaration of Surplus Property and Sale of City Lands Known as 43 Pinard Street, Hamilton to Anna and Matt Tomasic (PED09107) (Ward 5) (Item 5.8)**

(a) That a vacant, irregular parcel legally described as Block B, Plan 62M-118, owned by the City and known as 43 Pinard Street as shown on Appendix “A” to Report PED09107, with a frontage of 5.7 metres (18.7 feet) more or less along the north limit of Pinard Street, identified as PIN 17099-0017 (LT) and Property Roll Number 251805053402758, be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands shown on Appendix “A” to Report PED09107, to the abutting land owners, Anna and Matt Tomasic of 45 Pinard Street, for the price of $700.00.

(c) That the required deposit of $70.00, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction.

(d) That the proceeds of the sale be deposited in Account No. 47702-3560150200 (Civic Property Purchases and Sales).

(e) That the following condition be included in the Offer to Purchase:

“The purchasers acknowledge and agree that the lands being sold shall be registered in the same name and title of the land municipally known as 45 Pinard Street, Roll No. 251805053402757, currently owned by Anna and Matt Tomasic.”

(f) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That the subject lands be declared surplus by inclusion of this report to Council.

(ii) That in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a) (6), sufficient notice to the public is given by way of this report to City Council.
(iii) That an internal opinion of value for the subject property was completed on January 5, 2009.

9. Ancaster Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2009 (PED09108) (Ward 12) (Item 5.9)

(a) That the 2009 Operating Budget for the Ancaster B.I.A. (attached as Appendix ‘A’ to Report PED09108) be approved in the amount of $53,500.00.

(b) That the levy portion of the Operating Budget for the Ancaster B.I.A. in the amount of $53,500.00 be approved.

(c) 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 2009 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2009 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>$17,834.00</td>
</tr>
<tr>
<td>July</td>
<td>$17,833.00</td>
</tr>
<tr>
<td>October</td>
<td>$17,833.00</td>
</tr>
</tbody>
</table>

Assessment appeals may be deducted from the levy payments.

10. Film and Culture 2008 Annual Report (PED09109) (City Wide) (Item 5.10)

That Report PED09109, Film and Culture 2008 Annual Report, be received for information.

11. Demolition Permit – 589 King Street East (PED09125) (Ward 3) (Item 5.11)

That the Director of Building Services be authorized and directed to issue a demolition permit for 589 King Street East in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.
12. **Amended Application for a Change in Zoning for Lands Located at 765 Rymal Road East (Hamilton) (PED09077) (Ward 7) (Item 6.1)**

That approval be given to **Amended Zoning Application ZAR-08-080, by Queendale Garden Homes Limited, Owner**, for changes in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1), “AA” (Agricultural) District (Blocks 2 and 4), and “C” (Urban Protected Residential, etc.) District (Blocks 3 and 5), to the “C/S-1608” Urban Protected Residential, etc.) District, Modified, of the former City of Hamilton Zoning By-law 6593, in order to facilitate the creation of two new lots fronting onto Eaglewood Drive, for lands located at 765 Rymal Road East, as shown on Appendix “A” to Report PED09077, on the following basis:

- (a) That Block “1” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “C/S-1608” Urban Protected Residential, etc.) District, Modified.
- (b) That Block “2” be rezoned from the “AA” (Agricultural) District to the “C/S-1608” Urban Protected Residential, etc.) District, Modified.
- (c) That Block “3” be rezoned from the “AA” (Agricultural) District to the “C/S-1608” Urban Protected Residential, etc.) District, Modified.
- (d) That Block “4” be rezoned from the “AA” (Agricultural) District to the “C/S-1608- ‘H’” Urban Protected Residential, etc. - Holding) District, Modified.
- (e) That Block “5” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “C/S-1608-‘H’” Urban Protected Residential, etc. - Holding) District, Modified.
- (f) That the draft By-law, attached as Appendix “E” to Report PED09077, as revised by Committee at their meeting of April 21, 2009, respecting rear yard setbacks, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (g) That the amending By-law apply the Holding Provisions of Section 36 (1) of the Planning Act to Blocks 4 and 5 by introducing the Holding Symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit development of Blocks 4 and 5 until such time that the portion of Block 5 abutting 759 Rymal Road East is conveyed to 759 Rymal Road East to ensure the orderly development of Block 17 of Registered Plan 62M-643, to the satisfaction of the Director of Planning.
(h) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

13. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 468 and 472 Ottawa Street North (Hamilton) (PED09098) (Ward 4) (Item 6.2)

That approval be given to Condominium Conversion Application CDM-CONV-08-03, by IGW Reit, Owner, to establish a Draft Plan of Condominium for 206 existing apartment units, located at 468 and 472 Ottawa Street North (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED09098, subject to the following conditions:

(a) That this approval apply to the plan prepared by Schaeffer and Dzaldov Limited and certified by O. N. Dzaldov, O.L.S., dated November 11, 2008, showing a total of 206 residential apartment units and 96 vehicular parking spaces, attached as Appendix “B” to Report PED09098.

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

(i) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

(ii) That the Owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

(iii) That the Owner shall submit a report in accordance with Section 9 (4) of The Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(iv) That the Owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

(v) That the Owner shall provide proof of separate independent sewer and water services to the subject lands or construct said services, or enter into a “Joint Use Agreement” with the sharing property owner, to the satisfaction of the Director of Development Engineering.
(vi) That the Owner shall include the following warning clause, to the satisfaction of the Manager of Development Planning, in all Development Agreements and Offers of Purchase and Sale or Lease Agreements:

“Purchasers/tenants are advised that sound levels due to increasing rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of Environment’s noise criteria.”

(vii) That the Owner provide a 6.0m wide standard easement in favour of the City of Hamilton, for the purpose of placing a storm sewer along the entire property frontage (84.414m) of Ottawa Street North, to the satisfaction of the Director of Capital Planning and Implementation, Public Works Department.

14. Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Located at 1441 Guyatt Road (Glanbrook) (PED09101) (Ward 11) (Item 6.3)

(a) That approval be given to Official Plan Amendment Application OPA-09-002, by IBI Group, Agent on behalf of Yolanda Sepe, Owner, for Amendment No. _____ to the Glanbrook Official Plan, to permit the severance of a surplus farm dwelling as a result of a farm consolidation, notwithstanding that the farm holdings do not abut each other, for lands located at 1441 Guyatt Road, as shown on Appendix “A” to Report PED09101, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09101, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Greenbelt Plan and Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Zoning Application ZAR-08-018, by IBI Group, Agent on behalf of Yolanda Sepe, Owner, for a change in zoning from the General Agriculture “A1” Zone to the General Agriculture “A1-238” Zone in order to prohibit residential uses, prohibit the use of the existing barns for livestock, and to permit a reduction in the minimum lot frontage from 150 metres to 94 metres, for the lands located at 1441 Guyatt Road, (Glanbrook), as shown on Appendix “A” to Report PED09101, on the following basis:
(i) That the draft By-law, attached as Appendix “C” to Report PED09101, 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 “C” of Zoning By-law No. 464.

(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the Township of Glanbrook Official Plan upon approval of Official Plan Amendment No. [blank].

(c) That the reduced zoning charge for agricultural related applications, under the zoning fee schedule approved by Council on April 1, 2009, be applied retroactively to this application.

15. Taxi Reform Sub-Committee Report 09-001 (Item 8.1)

(a) Appointment of Chair and Vice-Chair

(i) That Councillor Sam Merulla be appointed as Chair of the Taxi Reform Sub-committee.

(ii) That Councillor Chad Collins be appointed as Vice Chair of the Taxi Reform Sub-committee.

(b) Items Referred by Council – Public Meeting

That a public meeting be scheduled to obtain public opinion respecting the following matters:

(i) Passenger Consultation respecting the Installation of Cameras versus Shields in Taxi Cabs

(ii) Ban on Hand Held Cell Phones and Other Similar Devices by Taxi Cab Drivers

(iii) Skills & Service Training and Possession a Valid Taxi Operator’s Licence for Taxi Plate Owners
16. Municipal Incentive Programs to Recruit Physicians to the City of Hamilton (PED09092) (City Wide) (Item 8.2)

(a) That staff from Planning and Economic Development Department be directed to continue working with area stakeholders (i.e. Academy Medicine) to create additional clinics to attract new physicians.

(b) That the City of Hamilton designate $10,000 from the 2009 Physician Recruitment Program (Project #2050453101) budget to assist in the cost of community visits by potential new physician recruits.

(c) That ongoing cost for physician recruitment community visits be referred to the 2010 tax budget process for annual funding consideration.

(d) That the City of Hamilton continue to pursue changes to criteria of the under-service designation by the MOH to exempt teaching physicians, research and development physicians, specialists and part-time physicians, and other criteria as may be required.

(e) That the City of Hamilton meet with Members of Provincial Parliament, local stakeholders, and Ministry staff to develop a program similar to the pilot program awarded to the City of London to address the shortage of physicians.

(f) That the item respecting Incentives for Physicians to Remain in Hamilton be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

17. Status Update on Proposed Flamborough Quarry, 11th Concession Road East, Flamborough (PD04244(c)) (Ward 15) (Item 8.3)

That Report PD04244(c), Status Update on Proposed Flamborough Quarry, 11th Concession Road East, Flamborough, be received for Information.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

One added delegation request, will become Item 4.2
On a Motion (Mitchell/Ferguson), the Agenda for the April 21, 2009, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest in Item 5.1, as a family member operates the Old Mill.

Councillor Ferguson declared an interest in Item 8.1, as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

Councillor Mitchell introduced an amendment to Item 1 of the Minutes, as follows:

Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, for the Property Located at 92 Strathearne Place, Glanbrook - Supported by the Planning and Economic Development Department (PED09061) (Ward 11) (Item 5.1)

That Section (a) of Item 1. be deleted in its entirety, and replaced by the following new Section (a), such that the Item will read as follows;

(a) That no Legal Services staff be sent to the Ontario Municipal Board Hearing into the subject matter, either in support of the Committee’s decision or against the decision.

(b) That Report PED09061, respecting Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, 92 Strathearne Place, Glanbrook, as shown on Appendix “A” to Report PED09061, denied by the Committee, but supported by the Planning and Economic Development Department, be received for information.

On a Motion (Mitchell/Pasuta), Committee approved the amendment

On a Motion (Bratina/Duvall), the Minutes of the Economic Development and Planning Committee meeting of April 7, 2009, were approved, as amended.

(d) Graham Flint, FORCE, respecting Item 8.3 Status Update on Proposed Flamborough Quarry, 11th Concession Road East, Flamborough (PD04244(c)) (Ward 15) (Item 4.1)
On a Motion (Pasuta/Duvall), Committee agreed to hear from Mr. Flint, respecting Item 8.3 on the Agenda, following the staff presentation on the matter.

(e) Bruce Panagapko, respecting the licensing requirements for a mini cab service using a 4 wheel bicycle

On a Motion (Bratina/Ferguson), Committee agreed to hear from Mr. Panagapko, at a later meeting.

(f) Film and Culture 2008 Annual Report (PED09109) (City Wide) (Item 5.10)

Councillor Bratina requested information with respect to how much parking meter revenue is lost due to filming in Hamilton and whether staff keep track of costs incurred or revenues lost by the City. The Director of Parking and By-Law Services advised that the City charges a nominal rate to try to recoup costs and that he can provide a detailed report with that information. The Director of Planning and Economic Development advised that a new film by-law will be coming to Committee in May and the parking issue can be further investigated in conjunction with that.

(g) Amended Application for a Change in Zoning for Lands Located at 765 Rymal Road East (Hamilton) (PED09077) (Ward 7) (Item 6.1)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

(a) 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 the Zoning By-law is passed, 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.

(b) 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 the Zoning By-law is passed, 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.

Kate Mihaljevic was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. The planner explained that the by-law had been changed so that a 7.0 metre rear yard applies to all of the subject lands, not just the existing dwelling.
Committee discussed the matter and had additional information supplied by staff.

The applicant’s agent, James Webb, advised that he was satisfied with the staff recommendation, but had one revision to request to the by-law. He explained the background to the request, as follows;

- The Committee of Adjustment approved the application to allow flexibility with the leftover triangle portion of Block 17 so that it could either be conveyed to the next door neighbour or remain as part of Blocks 4 and 5.
- Staff have said that the holding provision would apply not just to the leftover triangle of land, but to all of Block 17.
- A deal is pending with the owner of the abutting land, but it will take at least six months.
- He would like a slight modification to holding provision to allow the remnant piece to remain with Block 4 and 5 should the negotiations with the owner of the abutting land fall through.

No members of the public came forward to address Committee.

Committee approved the staff recommendation, with the amendment to the by-law as proposed by planning staff.

(h) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 468 and 472 Ottawa Street North (Hamilton) (PED09098) (Ward 4) (Item 6.2)

Chair Pearson advised the meeting, this is a Public Meeting to hear input respecting a proposed change in the existing tenure of a building, to convert it into a condominium.

The Chair advised that the Ward Councillor, Councillor Merulla, was in support of the staff recommendation

On Motion (Whitehead/Ferguson), Committee agreed to dispense with the planner’s presentation.

David Falletta was present to assist Committee.

The applicant’s agent, Franz Kloibhofer, Ridge Planning Group Inc advised the Committee that he was satisfied with the staff report.

No members of the public came forward to address Committee.
Committee approved the staff recommendation.

(i) Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Located at 1441 Guyatt Road (Glanbrook) (PED09101) (Ward 11) (Item 6.3)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

(a) 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 the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-law, 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.

(b) 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 the approval authority gives or refuses to give approval to the official plan and passes the zoning by-law, 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.

On a Motion (Mitchell/Ferguson), Committee agreed to dispense with the planner’s presentation.

Jennifer Hahn was present to assist Committee.

The applicant’s agent, John Ariens, IBI, advised that he was satisfied with the staff recommendation but would like a reduced zoning charge to be applied retroactively under the new zoning fee schedule.

In response to questions from the Committee, Mr. Ariens confirmed that the purpose of the change in zoning is for agricultural purposes.

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

Councillor Mitchell provided some background to the application, and requested that the applicants be charged a reduced fee for the zoning application, in line with the new fees recently introduced by Council.
On a Motion (Mitchell/Pasuta) Committee approved the reduced zoning fee for the application.

No members of the public came forward to address Committee.

Committee approved the staff recommendation as amended.

(j) Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton) (PED09103) (Ward 1) (Item 6.4)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

(a) 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 the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-law, 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.

(b) 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 the approval authority gives or refuses to give approval to the official plan and passes the zoning by-law, 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.

Chair Pearson noted that the following additional submissions had been received and distributed this morning:

Kim and Colleen Foster, 96 Ewen Road
Concerned citizens of Ainslie Wood
James Ayres, Cassels Brock, on behalf of Cadbury

Edward John was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. He noted that staff is recommending the imposition of an H Holding designation on the by-law, pending the satisfactory completion of a noise study and Record of Site Condition.

Committee discussed the issue and raised various concerns and questions, including, but not limited to:
The possibility of a condition requiring a covenant on title so that tenants are aware of the possibility of noise issues from surrounding industries.

staff advised that warning clauses could be attached through the site plan approval process, but not through the zoning process.

How this proposal relates to the Ainslie Wood Westdale Secondary Plan
staff advised that due to the surrounding land uses and the fact that the building will be set back from Main Street West closer to the hydro corridor, the residential and low profile commercial buildings closer to Main Street West will not be adversely affected.

Parking concerns
staff advised that there are 190 parking spaces required for this site, including visitor parking, so the requirements are satisfied.

With respect to a letter received from Cadbury’s, whether staff are aware of any concerns raised by Cadbury’s at the time of the employment lands study
staff advised that they were not aware of any participation from Cadbury’s in the public meetings or of any letters received at that time.

Whether this application will pose a problem if approved prior to the Official Plan changes
Staff advised that Ministry staff and that Ministry staff have reviewed the City of Hamilton’s comprehensive analysis and approved what has been done to date.

Concerns with controlling growth on the McMaster site
Staff advised that there are regulations under the current zoning by-law and parking provisions for McMaster

Whether the area will be affected by the sun-shadow
staff advised that the area was not unduly affected.

Councillor Duvall requested that staff provide a list of noise complaints respecting the Cadbury plant.

The applicant’s agent, Chris Pigeon, GSP Group, and the applicant, Jamie Crich, Auburn Developments, addressed Committee with the help of a PowerPoint presentation. Highlights of the presentation included:

Auburn Developments is a developer of Multiple residential student accommodations
Representative projects
Overview of proposed development – 17 Ewen Road
Purpose Built Student Housing, 10 storey, 150 unit, underground parking, on-site security,
Property and student management program – full time security staff, code of conduct, student lifestyle co-ordinator, move in/out program
• Key Considerations of development include height and density,
• Traffic impact study has been reviewed and recommended for approval
• Design and Streetscape issues have been addressed, building is tiered to reduce impact of the height
• Developers held neighbourhood meetings during processing of the applications, in local Church, well attended
• Policy 6.4.1.4 of Ainslie Wood Secondary Plan allows up to 10 storey buildings subject to particular tests – have done those tests and meet those tests.

Committee continued their discussion.

Councillor McHattie requested that the applicant commit to providing a shuttle service in the late evening and early morning hours and to participating in the Ainslie Wood neighbourhood task force, which is trying to reclaim houses as single family dwellings. The applicant agreed to both of these requests.

Doug Anderson, 265 Emerson St., Hamilton, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Nothing in report that tells taxpayers whether this is good for community
• Unwise to locate residential building next to industrial
• Is this condominium ownership, how will tenure be controlled in future
• Will taxes be charged on the building as multiple residential, or on individual units
• Building will consume a lot of services

Lavinia Welsh, 42 Kipling Rd., Hamilton, addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

• On board of AWWCA
• Supports purpose-built student housing
• Adjacent to commercial properties, development will not impact houses to south
• Agree with hold for noise study and Record of Site Condition
• Have concerns with parking – would like adequate parking for any future conversion to multi-use
• Would like additional policing during student move-out and move-in
• Would like shuttle service
• Concerned with height – existing industrial has height restriction of 5 feet
• Want the City to follow the guidelines of the Secondary Plan
Mary Kiss, 51 Yarmouth Ct., Hamilton, addressed Committee on behalf of Concerned Ainslie Wood Residents with regard to the proposal. She read from the letter which was submitted to Committee. Her points included, but were not limited to the following:

- Several hundred taxpayers, residents, and business persons have signed a petition in opposition.
- City has publicized firm commitment to proper and transparent procedures and should ensure the integrity of the process
- Viable employment lands at this site should be protected, no need for high-rise development.
- Ainslie Wood Neighbourhood should not have to accommodate McMaster’s needs, wish to maintain single family housing
- Concern with density, height, compatibility, only 15% green space allotment
- Concern regarding adequacy of services, traffic impacts, parking issues, noise impacts, lack of loading spaces, potential contamination from previous uses on the site
- Negative impacts of crime and social misbehaviours due to intensification will affect property values
- Sun-shadow report – surrounding properties will be affected
- Wind impacts may not be mitigated by landscaping if landscaping requirements are only 15% instead of 40%.
- View of escarpment will be interrupted
- Larger area of neighbourhood should have been contacted with respect to this public meeting, some of the businesses within the area weren’t given notice and only received it from neighbours.
- Sign was not posted at 17 Ewen Road which is legal address
- Asking Committee and Council members to deny the application
- Would like copy of letter from lawyer of Cadbury

Monica Watts, 91 Lower Horning Rd., Hamilton, addressed Committee. Her points included, but were not limited to the following:

- Owner of West End Physio, Subhash Deghe, only notified on April 16, 2009 of the Public Meeting. The letter was post-marked April 14, 2009.
- Ms. Watts submitted a letter from Mr. Deghe advising of his of concerns, including building too big, inadequate parking, road too narrow to take the use, problems of Increased vandalism and noise, negative environmental impact and sunshade from building

- Ms. Watts advised that her concerns include: need another meeting after the whole neighbourhood is notified where residents can give their opinion on this development The promise to notify residents by mail was not kept McMaster informed her that they do not need another residence

Council – April 29, 2009
Too high of a building

Dan Pope, 169 Rifle Range Rd., Hamilton, addressed Committee with regard to the proposal. His points included, but were not limited to the following;

- Concerned with price of new accommodation, there are already a lot of rooms for rent in the neighbourhood and oversupply will affect price
- Property values have been positively affected by students – people can afford to live in the neighbourhood by taking in students but values will drop with the new residence
- Environmental and economic concerns
- There should be greater by-law enforcement in the Westdale area

Kim Foster, 96 Ewen Rd., Hamilton, addressed Committee with regard to the proposal. A copy of his submission had been received by Committee. His points included, but were not limited to the following;

- The notice was posted on Rifle Range Road, not Ewen Road
- Concerned with size, height and landscaping of building
- Not appropriate site for residential zoning
- Cadbury has a fleet of refrigerated trailer units running most of the year – noise problems – need a noise assessment and need to consider reflected noise from the building
- If this doesn't work, there could be 150 families living in an industrial commercial area.
- No soil contamination results have been provided.
- Over-intensification of students
- Doesn’t feel meets requirement of Section 4.2(1.1.1b) of Provincial Policy Statement (2005) in dealing with Managing and Directing Land Use
- No benefits for the community

Dan Levy, United Hebrew Memorial Chapel, 28 Ewen Rd., Hamilton, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- The City failed to provide proper notice of the meeting
- 17 Ewen Road frontage had no sign
- Chapel is about 100 feet from the applicant’s property
- One of the mandates of the United Hebrew Memorial Chapel when relocating in 2002 was not being adjacent to residential lands.
- Concerned with safety, negative impacts on the neighbourhood and businesses
- Concerned with students being outside in warmer weather, especially as they are on staggered schedules.
- Concerned about ability to conduct funerals with decorum and dignity
- Strenuously opposes this project

Council – April 29, 2009
James Ayres, Cassels Brock LLP, 40 King St. W., Toronto, and Paul Chang, Cadbury, 45 Ewen Rd., Hamilton addressed Committee with regard to the proposal. Mr. Ayres referred to the letter he had submitted this morning. Their points included, but were not limited to the following:

- Received notice of the meeting that morning
- Cadbury operates 24 hours/day, 7 days per week with trailers going all the time, 16-20 trips per day
- Access to site is via Ewen Road, but the tanker vehicles use Rifle Range, which would pass before the subject lands
- The application is not compatible, it is obtrusive and it would impact their industrial operations
- Doesn’t make sense to put a high-density residential building next to an existing industrial operation
- In these current economic times, municipalities should be helping industry
- The application conflicts with the Ainslie Wood Secondary Plan, is contrary to the Provincial Policy Statement
- Warning clause does not deal with incompatible usage
- Requesting that it be denied

In response to questions from the Committee, Mr. Chang confirmed that the facility runs 24-7 and that refrigerated trucks run on site throughout the night. He advised that the company is working on mitigating current noise complaints, with the MOE and has applied for a Certificate of Approval. The company has been on the site for 30 years, employs 350 people, wishes to stay there. There are possibly future plans for expansion.

Mr Ayres advised that, should Committee take Cadbury’s considerations into account during the site plan process, it would alleviate some of the company’s concerns but not all of them.

Committee continued their discussion respecting the matters raised by the delegations, and the importance of Committee having the Noise Study before any decision on the approval.

(McHattie/Clark)
That consideration of Report PED09103 respecting Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road be deferred, pending completion of a noise study for subject property.

CARRIED
Committee recommended that Auburn and Cadbury meet to discuss the proposal, and that staff bring forward to Committee further information respecting the noise complaints relating to the Cadbury operation.

(k) Municipal Incentive Programs to Recruit Physicians to the City of Hamilton (PED09092) (City Wide) (Item 8.2)

Lisa Pasternak, Carolynn Reid, and Neil Everson were present to assist Committee.

Committee discussed the issues raised in the report, including but not limited to the following and had further information supplied by staff:

- Councillor Ferguson, Chair of the Physician Recruitment Committee, advised that the Committee endorses the report.
- Cash incentives are ineffective, as many new physicians are more concerned with quality of life.
- Staff confirmed that cash incentives cannot be given to individual businesses, unless they fall under Community Improvement Programs, as these would fall within the bonusing provision of the Municipal Act, 2001.
- Issues such as doctors working out of their homes and turnkey clinics should be considered.
- Staff will review zoning regulations for each of the former municipalities respecting doctors living/working at the same site. Staff further advised that Jane Walker has been working with a number of developers who are trying to create a turnkey type of model, but not through incentives.

Committee requested clarification with respect to recommendation (b) of the Report and requested that travel costs be reimbursed shortly after the date of travel. Staff advised that money to advertise Hamilton does not fall within the bonusing provision provided it is for the cost of the actual visit.

Committee raised concerns with respect to recommendation (d) of the Report and considered ways in which the provision of additional doctors to Hamilton could be addressed by the possibility of changing the under-serviced criteria.

On a Motion (Clark/Mitchell) Committee passed an amendment respecting this matter. Councillor Ferguson requested to be recorded as opposed the amendment.
Committee then approved the recommendation, as amended.

(l) Status Update on Proposed Flamborough Quarry, 11th Concession Road East, Flamborough (PD04244(c)) (Ward 15) (Item 8.3)

Heather Travis gave an overview of the report, and outlined the timing of the various stages and approvals needed. She explained the City’s involvement in the Combined Aggregate Review Team (CART) process, and noted that the final CART report will come to the EDP committee. Ms Travis noted that the required peer reviews are paid for by St. Mary’s, as the proponent. Michelle Sergi advised that the City is committed to the CART process.

Graham Flint, Chair of FORCE, addressed Committee and thanked Council for their approval of the Motion opposing the licence, at last week’s Council. He noted that he and other FORCE members had been involved in a meeting on the same night about the quarry, in the community, otherwise they would have been in attendance as well.

Mr Flint noted that the project had already been going for five years, and that the impact on the community was considerable and on-going, even before any decisions on any of the approvals had been made. Mr Flint urged Committee to keep moving expeditiously with the project, so that a result could be achieved. He suggested that a timetable or Road Map of the process would be a useful document for the residents and the City, and that the proponent should not be allowed simply to elongate the process, at their discretion.

Councillor Pasuta advised that the site was the wrong one, from an environmental, social and agricultural perspective.

Committee thanked Mr Flint and received the delegation.

Committee received the staff report.

(m) Motions (Item 9)

None

(n) Notices of Motion (Item 10)

None

(o) General Information (Item 11)
(i) Land uses for feeder areas of Eramosa Karst (from Outstanding Business List, due April 21, 2009) (Item 11.1)

Councillor Clark advised that the ORC is hoping to have a public meeting by June 2009 pending the release of two peer reviews.

Revised Due Date: November 17, 2009

(ii) New City Website Section for Public Meetings, Open Houses and other public gatherings (from Outstanding Business List, due April 21, 2009) (Item 11.2)

Staff advised of the progress of this matter.

Revised Due Date: September 22, 2009

(iii) Consultation process for wireless telecommunication facilities from Outstanding Business List, due April 21, 2009) (Item 11.3)

Michelle Sergi advised that planning staff have consulted with stakeholders and have attended the portfolio management committee, which has directed them to consult with Public Works.

Committee requested that staff also contact the Niagara Escarpment Commission, as it has requested staff consultation, as well as the Federation of Canadian Municipalities to find out the national experience.

Revised Due Date: November 17, 2009

(iv) Meeting respecting Mady Development

Councillor Mitchell advised that P. Mady Development will be holding a meeting on May 6th respecting their proposed development. The meeting will take place in the Council Chambers of the Stoney Creek City Hall, and will consist of an Open House at 7.00pm, with a formal presentation at 7.30pm.

(iv) Brow development

Councillor Whitehead requested an update on the progress of the Public Meeting for the Brow lands development.
Brenda Khes explained that staff is continuing their work with the developers, and that some studies are still being worked on by the developers.
Paul Mallard explained that the meeting would be in September at the earliest.

(p) Private and Confidential (Item 12)

None

(q) ADJOURNMENT (Item 13)

(Duvall/Ferguson)
The Economic Development and Planning Committee adjourned at 2:45 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
April 21, 2009