Economic Development and Planning Committee
REPORT 07-007
April 17, 2007
9:30 a.m.
Council Chambers
Hamilton City Hall

Present:     Chair D. Mitchell
            1st Vice-Chair T. Whitehead
            2nd Vice-Chair M. Pearson
            Councillors: B. Bratina, B. Clark, L. Ferguson, B. McHattie,
                         R. Pasuta

Absent:     S. Duvall – City Business

Staff Present:  L. Coveyduck, General Manager - Planning and
                Development
                E. John, B. Farkas, R. Walters, P. Delulio, M. Hazell –
                Planning and Development
                A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 07-007 AND RESPECTFULLY RECOMMENDS:

1. Locke Street Business Improvement Area’s (B.I.A.) Proposed Budget and
   Schedule of Payment for 2007 (PED07124) (Ward 1) (Item 5.1)

   a) That the 2007 Operating Budget for the Locke Street B.I.A. (attached as Appendix
      ‘A’ to Report PED07124) be approved in the amount of $10,000.

   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:

      April     $5,000
      July      $2,500
      October   $2,500
2. Locke Street Business Improvement Area (B.I.A.) Establishment and Appointment of the 2007-2010 Board of Management (PED07125) (Ward 1) (Item 5.2)

(a) That the By-law attached as Appendix A to Report PED07125 to establish a Board of Management for the Locke Street Business Improvement Area be approved and forwarded to City Council for enactment.

(b) That the following individuals be appointed to the Locke Street Business Improvement Area’s Board of Management for a four (4) year term:

- Councillor B. McHattie, Ward 1
- Tony Greco, Mister Tony’s, 230 ½ Locke Street South
- Heather Hamilton, Bad Dog Café, 229 Locke Street South
- Don Cameron, La Jardinere Flowers, 246 Locke Street South
- David Brace, Transit Gallery, 230 Locke Street South
- Diana McClure, 279 Locke Street South
- Steve Bernstein, The Gallery on Locke, 254 Locke Street South

3. Waterdown Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2007 (PED07128) (Ward 15) (Item 5.4)

a) That the 2007 Operating Budget for the Waterdown B.I.A. (attached as Appendix ‘A’ to Report PED07128) be approved in the amount of $53,572.

b) That the levy portion of the Operating Budget for the Waterdown Street B.I.A. in the amount of $37,080 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 2007 Budget as referenced in sub-section (a) above.

d) That the following schedule of payments for 2007 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>$18,540</td>
</tr>
<tr>
<td>July</td>
<td>$9,270</td>
</tr>
<tr>
<td>October</td>
<td>$9,270</td>
</tr>
</tbody>
</table>
4. Alberta Oil Sands Opportunity Conference, Edmonton, Alberta - March 13 to 16, 2007 (PED07126) (City Wide) (Item 5.5)

Information Report PED07126 regarding Alberta Oil Sands Opportunity Conference, Edmonton, Alberta – March 13 to 16, 2007 is to be considered.

5. Hamilton LACAC (Municipal Heritage Committee) February 22, 2007 (Item 5.6(a))

The Minutes of the Hamilton LACAC (Municipal Heritage Committee) meeting of February 22, 2007 were received.

6. Application for a Modification in Zoning for Lands Located at 383 Dundas Street East, Flamborough (PED07119) (Ward 15) (Item 6.1)

That Zoning Application ZAR-06-102, C. B. Vanderkruk Holdings Ltd., owner, to modify the existing Highway Commercial “HC-2” Zone to add a banquet hall as a permitted use, for lands located at 383 Dundas Street East, as shown on Appendix “A” to Report PED07119, **be denied** on the following basis:

(a) That the proposed use is incompatible with existing and planned uses in the immediate area.

(b) That the proposal does not represent good planning.

7. Amendments to the Lottery Licensing By-law to Address Changes by the Alcohol and Gaming Commission Respecting Bingo Licensing (PED07130) (City Wide) (Item 8.1)

(a) That Section 7(1) of the Lottery Licensing By-law be amended to require the payment of a $165.00 flat rate fee for a Bingo licence.

(b) That a by-law in the form attached as Appendix “A” to Report PED07130 be passed and enacted.

(c) That staff be directed to report back within 18 months, to advise as to the impact, if any, the flat rate fee has had on licensing revenues.
FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

The Clerk advised of the following changes:

(i) Poster campaign for a missing Hamilton man – added as Item 11.1.

(ii) Withdrawal of Item 5.3 Waterdown Business Improvement Area (BIA) Appointment of Board of Management. This item will be brought forward in May.

(iii) Time frame for decision-making – added as Item 11.2.

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Approval of Minutes

Committee approved the Minutes of their meeting of April 3, 2007.

(d) Application for a Modification in Zoning for Lands Located at 383 Dundas Street East, Flamborough (PED07119) (Ward 15) (Item 6.1)

A Public Meeting was held.

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

Edward John outlined the report to Committee. Mr. John explained that the banquet hall use is proposed within one of the existing greenhouse structures, and that no additional construction is proposed. Mr. John noted that several letters of complaint had been received from adjacent residents, outlining concerns of noise, parking, lighting and general incompatibility with the residential neighbourhood. Mr. John advised the use is considered to be unsuitable for the area, and that staff is recommending refusal.
Terry Vanderkruk, the applicant, addressed Committee in support of the application. He explained the background to the application, noting that he started the use as a meeting facility, and then began holding party and other events. In total, 40 events have been held in the past two years. Mr. Vanderkruk explained that various changes have been made, to reduce any adverse impact on the adjacent homes, and that he and his family are also neighbours. He confirmed that his intent is only to use the existing greenhouse for special events, and that he does not want it to become a restaurant or bar. Mr. Vanderkruk confirmed that the greenhouse operation is his primary concern and business, and that the special events take place from September to April timeframe. This use helps keep his staff employed in the off-season.

Mr. Vanderkruk suggested that one way of allowing his unique business to keep operating would be to grant an approval for the use exclusively to his family, to terminate if the business and/or site is sold.

Staff explained that the zoning by-law was a land-use tool which cannot be applied to individuals.

Jim Duschl, 6 First Street, addressed Committee on behalf of several local residents. He explained that the use was incompatible with the existing single family neighbourhood, due to noise, light, and parking, that it was upsetting not to be able to open windows at night, and that the use was reducing the enjoyment of the residents’ properties. Mr. Duschl explained that as a realtor, he knew that this kind of use devalues properties.

Mike Hawkrigg, 4 Balgownie Court, addressed Committee and expressed his concerns regarding the banquet operation. He noted that he had been aware of the nursery operation when he moved into the area and was OK with that, but that the banquet use was a problem, particularly in terms of noise.

Committee was advised by Chair Mitchell that the Ward Councillor, Margaret McCarthy, was against the banquet use, and supported the staff’s recommendation to refuse the application.

Committee approved the staff recommendation.

(e) Amendments to the Lottery Licensing By-law to Address Changes by the Alcohol and Gaming Commission Respecting Bingo Licensing (PED07130) (City Wide) (Item 8.1)

Marty Hazell provided Committee with an overview of the changes made by the Commission, and the staff proposal to address these issues.

Committee approved the staff recommendation.
(f) Placement of Posters (Added Item 11.1)

Marty Hazell provided Committee with an update of a postering campaign being carried out by the family of a missing Hamilton man. He explained that following the receipt of a complaint about the placement of the posters, the regulations in the new Sign By-law had been reviewed. This review had concluded that the placement of the posters is not contravening the by-law, as the regulations for poster placement are not yet in force. In the future, posters on hydro poles will be restricted, and poster kiosks will be instituted. At the present time, Mr. Hazell explained that the City is in the education phase of the by-law, and that the only applicable regulation was the requirement for poster removal after 21 days.

Committee discussed the poster issue in detail, and had additional information supplied by staff about this matter and about the progress of the enforcement of the Sign By-law.

On a Motion (McHattie/Pasuta), Committee directed staff to bring back a comprehensive report on the timing and implementation, both interim and long-term, of the Sign By-law, including, but not limited to, the placement of posters, the use of hydro poles, the placement and costs of poster kiosks, and best practices from other communities.

On a Motion (Whitehead/Pasuta), Committee directed staff to review a potential amendment to the by-law as part of the overall planned by-law review, to address exemptions from the by-law for humanitarian reasons, when an issue is endorsed by Police Services.

On a Motion (Clark/Bratina), staff was directed to research and report back on a new “yellow alert” programme, which would inform the public of missing persons and other humanitarian issues, and would be a partnership between the City, Police Services and the local business community.

(g) Timing of Decision Making (Added Item 11.2)

Councillor Clark raised the issue of the timing of decisions respecting Public Meetings. He questioned whether it was appropriate to invite the community to come to a Public Meeting, hear their comments and concerns and then make an immediate decision. He suggested that after hearing from the public, the Committee could take time to consider, and then have their discussions and decision at the next Committee Meeting. Councillor Clark noted that some municipalities do it this way, and some do it as Hamilton currently does. He suggested that the delay for review could make the public consultation process more legitimate and real.
Committee discussed the matter and had additional information supplied by staff. Ms. Coveyduck explained that Hamilton already does an extra step in public involvement, by sending out a “pre-circulation” which encourages public input at an early stage. She noted that the legislation does permit the two step process, but that it is important to be aware of the time constraints in the Planning Act, which require a decision on an application within 180 days of its submission.

Ms. Coveyduck suggested that each application should be considered on its own merits, with simple ones being decided the same day, rather than having a blanket requirement.

Committee continued their discussion of the issue, noting that complex applications were often tabled, following the public input, and there is a need to deal with applications in a timely fashion.

On a Motion (McHattie/Clark), staff was directed to review the timing of decision-making respecting applications considered at Public Meetings, to consult with other municipalities respecting their practice and consider best practices, and report back to Committee.

(h) Update on Brownfields (Added Item 11.3)

Councillor Bratina requested an update on the timing of the report on the brownfields issue.

Ms. Coveyduck noted that a consultant has been retained but there is no timeframe as yet for a report. She agreed to send an email to provide details to the Councillor.

(i) Building Permit Issuance (Added Item 11.4)

Committee then considered the issuance of building permits and Order to Comply notices, in respect to the Lanza Court matter.

Staff provided an overview of the process. Staff confirmed that the building department review, headed by Jim Bruzzese, will be interviewing members of the public who are customers of the Building Department service.

On a Motion (Clark/Whitehead), staff was directed to report back with the following information:

- the number of building permits issued in the last 18 months
- the number of buildings that had construction undertaken pre-permit issuance
- the number of Orders to Comply issued
the Interpretation Guidelines issued by the Province respecting building permit matters

(j) Update on Rural Official Plan

Chair Mitchell requested an update on the status of the Rural Official Plan, which is currently with the Province.

Ms. Coveyduck responded that Paul Mason has met with Provincial staff and that additional information had been received from the Province on April 16, 2007. She added that a report to Committee is in preparation.

The Chair asked that the Provincial responses be forwarded to all members, and to the Agricultural Committee.

(k) Adjournment

On a Motion, the Economic Development and Planning Committee adjourned at 11:20 a.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
April 17, 2007