Economic Development and Planning Committee
AS AMENDED BY COUNCIL APRIL 14, 2010
REPORT 10-007
Tuesday, April 6, 2010
9:30 am
Albion Room, Convention Centre
1 Summer’s Lane
Hamilton, Ontario

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

Staff Present: C. Murray – City Manager
T. McCabe, General Manager – Planning and Economic
Development
T. Sergi, M. Hazell, P. Mallard, R. Marini, J. Spolnik, D. Adames,
E. Maloney, S. Hamilton, A. Chan, J. Muto, C. Bell, V. Ormond,
D. Ortiz, J. Hickey-Evans - Planning and Economic Development
L. Pasternak, M. Kovacevic – Legal Services
A. Rawlings – City Clerk’s Office

COUNCIL, ON APRIL 14, 2010, AMENDED THE REPORT
AS NOTED BELOW

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 10-007 AND RESPECTFULLY RECOMMENDS:

1. Ottawa Street Business Improvement Area (B.I.A.) Board of Management
Revision (PED07027(d)) (Item 5.1)

That Report PED07027(d), Ottawa Street Business Improvement Area (B.I.A.) Board of
Management Revision, be received for information.

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2. **Sale of Two Surplus City Owned Vacant Industrial Properties at 445 and 490 Nash Road North to Paling Industries Ltd. (John Evans) and Snave Holdings Ltd. (John Evans) (PED10008(a)) (Ward 5) (Item 5.2)**

(a) That the approval of staff report PED10008 by City Council in its adoption of Item 3 of Economic Development Planning Committee Report 10-001 on January 27, 2010, be rescinded.

(b) That an Offer to Purchase City property known as 445 Nash Road North, as shown on Appendix "A" to Report PED10008(a) attached, and described as Parts 3 to 8 on Plan 62R-18661, being 0.3595 ha (0.888 acres), subject to an easement in favour of the City over Part 7, from Paling Industries Ltd. and Snave Holdings Ltd., for the price of $197,552.00 to be completed on or before June 8, 2010, subject to conditions noted below, be approved by Council.

(c) That an Offer to Purchase City property known as 490 Nash Road North, as shown on Appendix "A" to Report PED10008(a) attached, and designated as Parts 9, 10 and 28 on Plan 62R-15125, being 0.819 ha (2.024 acres), from Snave Holdings Ltd. for the price of $450,277.00, to be completed on or before June 8, 2010, subject to conditions noted below, be approved by Council.

(d) That the required deposits of $23,181.27 and $45,027.70, respectively, be held by the General Manager of Finance and Corporate Services pending acceptance and completion of the transaction(s).

(e) That the proceeds from the transactions totalling $647,829.00 be deposited to Account No. 47702-4060087001 (Red Hill Valley Project). That the sum of $22,052 for general administrative and appraisal costs incurred by the Real Estate Section be funded from Account No. 4060087001 (Red Hill Valley Project) and credited to Account No. 45408-3560150200 (Land Sales and Purchases). Any Legal Services Section expenses are to be funded from Account No. 52425-4060087001 (Red Hill Valley Project).

(f) That the following conditions be included in the Offer to Purchase for 445 Nash Road North:

(i) The Purchaser acknowledges and agrees that there shall be no discharging of drainage or any other materials or liquid substances from the subject property off site, and in particular into the Red Hill Valley immediately west of the property municipally known as 445 Nash Road North;

(ii) The Purchaser acknowledges and agrees that the existing Lease of Parts 3 and 4 on Plan 62R-13167 between the former Regional Municipality of Hamilton-Wentworth and Paling Industries Ltd. / Snave Holdings Ltd., registered as VM210906 on June 1, 1995, amended by an Amending Agreement registered on January 5, 1996 as VM223853, shall expire and merge upon closing of this transaction. The Purchaser further acknowledges...
and agrees that it will surrender the aforesaid Lease registered as VM210906, as amended by Amending Agreement registered as VM223853, and register a discharge of same on title to the lands set out in the Lease, on or before closing.

(g) That the following conditions be included in the Offer to Purchase for 490 Nash Road North:

(i) The Purchaser acknowledges and agrees that there shall be no discharging of drainage or any other materials or liquid substances from the subject property off site, and in particular into the Red Hill Valley immediately west of 445 Nash Road North.

(ii) The Purchaser acknowledges and agrees that it will surrender the existing Lease of the subject lands, and register a discharge of same, if required by the Vendor, on the title to the subject lands on or before closing.

(h) That each Offer to Purchase shall be conditional upon the City accepting and approving the other Offer to Purchase, and that the closing of both transactions shall be contemporaneous.

(i) That Section 3 of By-Law 04-299, the Procedural By-law for the Sale of Land, requiring that land be declared surplus, that an appraisal of fair market value be obtained and that notice to the public of the proposed sale be given, does not apply to industrial land, according to Section 8 of By-Law 04-299. The subject properties have been and are intended to be used for industrial purposes. Nevertheless, an internal opinion of value for the subject property was completed in September, 2009 and the selling price of each parcel reflects appraised market value.

(j) That a land Lease between the Regional Municipality of Hamilton-Wentworth and Paling Industries Ltd. and Snave Holdings Ltd. dated January 10, 1995 and registered as instrument VM210906, regarding property at 445 Nash Road North, provides that if during the term of the Lease and up to two years after termination of the Lease, the lands are deemed surplus to the Lessor and not required for the Red Hill Creek Expressway, then the Lessor agrees to grant to the Lessee an option to purchase the lands at fair market value at that time. Since the Lessee currently occupies the premises as an overholding tenant, the City’s proposed sale of the surplus portion of the leased lands to the Lessee is in accordance with the option to purchase provided for in the Lease.
3. **Enterprise Zone Grant Program – 170-176 Jackson Street West – Agreement – EZ07/01 (PED10090) (Item 5.3)**

   a) That the Enterprise Zone Grant, as detailed within Report PED10090, be applied to 170-176 Jackson Street West as the redevelopment of the property is complete and the terms and conditions of the Program have been satisfied.

   b) That the Mayor and City Clerk be authorized and directed to execute the Agreement attached as Appendix “A” to Report PED10090.

4. **Ontario Realty Corporation (ORC) Surplus Land - Project 8045 – City Acquisition of Nos. 40, 50 Highland Road West (Ward 6) and Part of 512 Highland Road West (Ward 9), Described as Part of Lots 33 and 34, Concession 7, Former Township of Saltfleet, now City of Hamilton (PED10082) (Ward 9) (Item 5.4)**

   a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC), acting as agent on behalf of Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal that the City of Hamilton has an interest in acquiring their land, comprising an area of approximately 2.78 hectares (6.89 acres), described as all of Nos. 40 and 50 Highland Road West, and Part of 512 Highland Road West, Stoney Creek, being Part of PIN 16932-0002, as shown on Appendix “A” attached to Report PED10082.

   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 enter into negotiations with the Ontario Realty Corporation (ORC), acting as agent on behalf of Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal for the acquisition of those lands described in Recommendation (a).

   c) That the City of Hamilton be authorized and directed to submit an Offer to Purchase for the subject property at fair market value and that the purchase price be funded from the 2009/2010 Strategic Initiative Funds.

5. **John Ariens representing Habitat for Humanity (Delegation approved by Committee on March 23, 2010) (Item 6.1)**

   a) That the planning fees for the Habitat for Humanity townhouse project at Barton/Wentworth/Niagara, in the amount of $52,470.00, be waived;

   b) That staff be directed to consider a policy respecting the waiving of planning and associated fees for non-profit projects, and to report back to Committee.

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The following Item 6 was referred back to the Economic Development and Planning Committee for further consultation with the Hamilton Association of Business Improvement Areas (HABIA):

6. **Comprehensive Review of the Sign By-law (PED05172(g)) (City Wide) (Outstanding Business List Item) (Item 6.2)**

(a) That the following changes to the City’s approach to dealing with signs be approved:

i) To address concerns of the agricultural community, for lands designated Agricultural or Rural in the City’s Official Plan (non-settlement regulations):

- that A-frame signs (to a maximum of 0.48 m²) be allowed on road allowance and not require a permit
- that reactive enforcement of the sign by-law in rural communities be endorsed, provided that such signs do not in any way constitute a safety hazard or visual obstruction to the travelling public

ii) To provide for more effective administration and enforcement:

- update various terms, wording and definitions to clarify the by-law intent
- incorporate Schedules A, B and C into the main body of the by-law
- include signs advertising “new commercial developments” (Construction Information Signs) into the ground sign section of the by-law, and require a permit for these signs
- define “brand” type signs in the by-law
- permit third party advertising on ground signs and wall signs (except electronic signs) to a maximum amount of 25% of the sign surface.

iii) To address the increased use of corrugated plastic signs:

- establish a “Corrugated Plastic Sign” category in the by-law with a maximum allowed size of 2.2 m².

iv) To address concerns regarding the regulation of mobile signs:

- increase the number of businesses (tenants) allowed to display on a sign during the permit period (i.e. different tenant on each side or more than one tenant on a single side) as well as allowing a change in tenant during the permit period
- remove the 10 m separation requirement between a mobile and ground sign
- remove the colour restrictions on lettering and business logo size limits.

v) To address concerns about enforcement of banners:
vi) To further regulate posting across the City:

- require a 200 m separation between posters advertising the same activity or event
- allow only one poster per post/utility pole and require that posters be of biodegradable material for ease of removal.

(b) That the amending by-law attached as Appendix “C” to Report PED05172(g) which is in a form satisfactory to the City Solicitor, and which repeals and replaces Sign By-law 06-243 with a by-law that incorporates the changes set out in recommendation (a) and incorporating the following revisions directed by Committee on February 16, 2010 be enacted;

(i) requirement for a “location plan” instead of a “site plan” in section 3.2.3

(ii) change in allowance for ground signs for institutional uses, to permit a maximum of 75% of the sign face to be a readograph or electronic message, in section 5.2.2(g)

(c) That the amending by-law attached as Appendix “D” to report PED05172(g) which is in a form satisfactory to the City Solicitor, and which repeals and replaces Schedule 26 (Mobile Sign Leasing or Renting) of the Licensing By-law No. 07-170 be enacted.

(d) That a $125 yearly fee per business per property be established for a "Corrugated Plastic Sign" permit and added to the 2010 User Fees and Charges By-law when the By-law is enacted by City Council upon completion of the budget process.

(e) That staff be directed to develop a kiosk pilot program for poster locations in consultation with the Westdale, International Village and Downtown Business Improvement Areas, Public Works and the Wards 1 and 2 City Councillors and report back with a recommended plan to the Economic Development and Planning Committee by August 2010.

(f) That the Item “Review of the City Sign By-law”, be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.
7. Application for an Amendment to the Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 1280 Hendershot Road (Glanbrook) (PED10042) (Ward 11) (Item 6.3)

(a) That approval be given to **Official Plan Amendment Application OPA-09-013, by Jeff Tigchelaar, Owner**, for Official Plan Amendment No.____ to the Township of Glanbrook Official Plan, in order to permit the severance of a surplus farm dwelling as a result of a farm consolidation, notwithstanding the farm holdings do not abut each other, for the lands located at 1280 Hendershot Road (Glanbrook), as shown on Appendix “A” to Report PED10042, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10042, 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-09-051, by Jeff Tigchelaar, Owner**, for a change in zoning from the General Agriculture “A1” Zone to the General Agriculture “A1-259” Zone, with a Special Exception, in order to prohibit the construction of any residential dwelling(s), for the lands located at 1280 Hendershot Road (Glanbrook), as shown on Appendix “A” to Report PED10042, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10042, 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. ____.
8. Application for Approval of Revisions to a Draft Plan of Subdivision Known as “Summit Park - Phase 5”, and Amendments to the Glanbrook Official Plan and Zoning By-law 464, for Lands Located Within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, in the Former Township of Glanbrook (PED10083) (Ward 11) (Item 6.4)

(a) That approval be given to Subdivision Application 25T-200716(R), by Multi-Area Developments, Owner, to revise the previously approved draft plan of subdivision for “Summit Park - Phase 5”, subject to the following conditions:

(i) That this approval apply to “Summit Park - Phase 5”, prepared by A.J. Clarke & Associates Ltd., and certified by B.J. Clarke, OLS, dated January 19, 2010, showing 1 block for a secondary school (Block 143), 1 block for local commercial uses (Block 144), 2 blocks for street townhouses (Blocks 141 and 142), 138 lots (Lots 1-138) for single detached dwellings, 1 block (Block 139) for low to medium density residential, 1 neighbourhood park block (Block 140), road widening blocks along Rymal Road East and Trinity Church Road, together with the creation of 4 new streets (the extension of Pinehill Drive, Pelech Crescent, Whitworth Terrace, and Hyslop Avenue), attached as Appendix “C” to Report PED10083, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D”.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:

   (1) Any oversizing of the Pinehill Drive watermain;
   
   (2) Any road oversizing of Pinehill Drive and Trinity Church Road; and,
   
   (3) That the City will cost share 50% for the equivalent of a 1.5m high galvanized fence that runs along the north side of Block 139 and the east side of Lots 57 to 65, adjacent to the proposed City Park Block 140.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and 2% for the commercial block, minus the land credit related to the conveyance of Block 140;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
(b) That the conditions of draft plan approval of Draft Plan of Subdivision Application 25T-200716(R), by Multi-Area Developments, Owner, be revised by repealing the conditions of draft plan approval, originally considered by Council as Report PED08249, and adopted November 12, 2008, and replacing with the conditions of draft plan approval shown in Appendix “D” to Report PED10083.

(c) That approval be given to Official Plan Amendment Application OPA-09-012, by Multi-Area Developments, Owner, for Official Plan Amendment No. __, for a change in designation from “Medium to High Density Residential” to “Institutional” (Block 1 on Schedule “A” of Appendix “E” to Report PED10083), and to amend the policy associated with the “Local Commercial” designation to allow a maximum gross leasable floor area of 2,500 square metres for any group of local commercial uses, and a maximum gross leasable floor area of any individual commercial establishment of not more than half of the total gross leasable floor area provided on the site; and from “Medium to High Density Residential” to “Low to Medium Density Residential” (Blocks 2 and 3 on Schedule “A” of Appendix “E” to Report PED10083) on the lands located within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED10083, be adopted by City Council.

(d) That approval be given to Zoning Application ZAC-09-048, by Multi-Area Developments, Owner, for changes in zoning from General Agricultural “A1” Zone to the General Commercial “C3-249” Zone (Block 1, Schedule “A” of Appendix “F” to Report PED10083); from the Residential Multiple “RM4-251” Zone and the Residential Multiple “RM2-250” Zone to the Major Institutional “I3” Zone (Block 1, Schedule “A” of Appendix “G” to Report PED10083); from the Residential Multiple “RM4-251” Zone to the “RM2-250” Zone (Block 2, Schedule “A” of Appendix “F” to Report PED10083); and to revise the site-specific special provisions for the general Commercial “C3-249” Zone by allowing a maximum gross leasable floor area of 2,500 square metres for any group of local commercial uses, and a maximum gross leasable floor area of any individual commercial establishment of not more than half of the total gross leasable floor area provided on the site, on lands located within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, as shown on Schedule “A” of Appendices “F” and “G” to Report PED10083, on the following basis:

(i) That the draft By-laws, attached as Appendices “F” and “G” to Report PED10083, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for Council – April 14, 2010
the Township of Glanbrook upon finalization of Official Plan Amendment No. ____.

9. Application for Approval of a Draft Plan of Subdivision for the Lands Located at 198 First Road West (Stoney Creek) (PED10053) (Ward 9) (Item 6.5)

That approval be given to **Amended Subdivision Application 25T-200908, by Paletta International (2000) Inc., Owner**, to establish a Draft Plan of Subdivision, on lands located on Part of Lots 25 and 26, Concession 7, municipally known as 198 First Road West, in the former Township of Saltfleet, in the former City of Stoney Creek, as shown on Appendix “A” to Report PED10053, subject to the following conditions, with such amendments thereto as the Director of Planning and the City Solicitor deem appropriate:

(a) That this approval apply to the revised, Draft Plan of Subdivision, prepared by Walker, Nott, Dragicevic Associates Limited, and certified by Dasha Page, OLS, dated October 16, 2009 (revised March 9, 2010), showing a maximum of 253 medium to high density apartment units (Block E), 238 townhouse units (Blocks N - AA), 88 semi-detached lots with 6.85m lot frontages (Blocks F and H), 14 semi-detached lots with 7.1m lot frontages (Block G), 43 single detached residential lots with 10.7m frontages (Blocks J, K, and L), 43 single detached lots with 12.2m frontages (Blocks I and M), one elementary school block (Block C), one park block (Block D), one block for a walkway (Block CC), two stormwater management blocks (Blocks A and B), one future residential block (Block BB), and the creation of seven new internal public roads (Streets A, B, C, D, E, F, and Isaac Brock Extension), attached as Appendix “B” to Report PED10053, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with Special Conditions attached as Appendix “C”.

(b) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City’s Development Charge Program with respect to this development for the following items:

(i) That the City will cost share for any required oversizing of the extension of Isaac Brock Drive, Highbury Drive, and Street “C”;

(ii) That the City will cost share for the proposed Stormwater Management Facility SCM#17, in accordance with the City’s current Development Charges Background Study and Financial Polices for Development to an upset limit of $2,172,349.00;

(iii) That the City will cost share for a 1.5 metre high chain link fence adjacent to the south sides of Blocks V and W at 50%;
(iv) That the City will cost share for the frontage along Park Block D on Highbury Drive/Street “E” for the above and below ground works,

(v) That the City will compensate for the roundabout at the intersection of Isaac Brock Drive Extension and Street “E”/Highbury Drive, subject to an approved budget source, the proportionate share of the cost based on the increased roundabout surface; and,

(vi) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and the maximum permitted density on Block E. Should there be an over-dedication of parkland the City agrees to purchase it, at market value, at the time of registration of the portion of the plan containing the parklands (Block D), with funding provided through the City’s Park Trust Fund Reserve; all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.

10. City Initiative – Housekeeping Amendments to Town of Ancaster Zoning By-law 87-57, Town of Flamborough Zoning By-law 90-145-Z, City of Hamilton Zoning By-law 6593, City of Stoney Creek Zoning By-law 3692-92, and Comprehensive Zoning By-law 05-200 (PED10081) (Item 6.6)

(a) That approval be given to City Initiative CI-09-J to provide housekeeping amendments to the Town of Ancaster Zoning By-law, Town of Flamborough Zoning By-law, City of Hamilton Zoning By-law, City of Stoney Creek Zoning By-law, and the City’s Comprehensive Zoning By-law known as Zoning By-law 05-200.

(b) That the attached draft Zoning By-law, as amended by Committee on April 6, 2010, to remove the regulation respecting the parking surfacing for recreational vehicles, marked as Appendix “A” respecting Report PED10081, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

11. Amendments to the City of Hamilton Licensing By-law 07-170 respecting “Adult Services Entertainment Establishments” and “Body Rub Establishments” (PED10063(a)) (City Wide) (Item 6.7)

(a) That in addition to a number of housekeeping amendments the following changes to the City of Hamilton Licensing By-law 07-170 be approved:
(12) Economic Development & Planning Report 10-007
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i) delete 95 King St East from Schedule 1 (Adult Services Entertainment Establishments);
ii) delete 754 Queenston Road from Schedule 4 (Body-Rub Parlours);
iii) clarify the By-law intent that for the limited “Adult Services Entertainment Establishment” and “Body Rub Parlour” licenses, new establishments cannot relocate into a legal non-conforming location.

(b) That the amending by-law attached as Appendix “A” to report PED10063(a) which is in a form satisfactory to the City Solicitor, and which amends the General Provisions and Schedule 1, 4, 25 and 31 of the Licensing By-law No. 07-170 be passed and enacted.

12. Amendments to the City of Hamilton Licensing By-law 07-170 (PED10063) (City Wide) (Item 6.8)

(a) That in addition to a number of housekeeping amendments the following changes to the City of Hamilton Licensing By-law 07-170 be approved:

(i) clarify the definition of owner/operator for all licensed businesses
(ii) clarify when a business licence expires, and establish a maximum of 60 day period to renew an expired business licence;
(iii) update/clarify the process for accepting, circulating and approving licence applications;
(iv) delete Schedule 31 “Fees” from the by-law;

(b) That the amending by-law attached as Appendix “A” to report PED10063 which is in a form satisfactory to the City Solicitor, and which amends the General Provisions and Schedule 25 and 31 of the Licensing By-law No. 07-170 be enacted.

(c) That the $120 fire inspection fee for licenses be continued and be added to the 2010 User Fees and Charges By-law when the by-law is enacted by City Council upon completion of the budget process.

(d) That the charge for any cost incurred when the City exercises its authority to inspect under s. 436(2) of the Municipal Act, 2001 be approved and added to the 2010 User Fees and Charges By-law when the by-law is enacted by City Council upon completion of the budget process.

13. “Alternative Massage Establishments” Report (PED10075) (City Wide) (Item 6.9)

(a) That the draft amending by-law to establish an “Alternative Massage Establishment” licence category, attached as Appendix “A” to Report No.

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PED10075, which has been prepared in a form satisfactory to the City Solicitor, be received;

(b) That staff be directed to conduct further public consultation and report back to the Economic Development and Planning Committee with final recommendations and an amending by-law respecting the creation of an “Alternative Massage Establishment” licence category within 6 months.

14. Commercial Market Assessment Updates for the Concession Street, Downtown Dundas, Ottawa Street, Waterdown and Westdale Village Business Improvement Areas (B.I.A.s) (PED10071) (Item 7.2)

That the information contained within Report PED10071 respecting the preparation of Commercial Market Assessment Updates for the Concession Street, Downtown Dundas, Ottawa Street, Waterdown and Westdale Village Business Improvement Areas be received and that the said update reports be received for information.

15. Heritage Permit Application (HP2010-020) Under Part IV of the Ontario Heritage Act for the Installation of Sprinklers Under the Central Lobby Stairs at 71 Main Street West, Hamilton (Hamilton City Hall) (PED10054) (Ward 2) (Item 8.1)

That approval be given to Heritage Permit Application (HP2010-020) by City of Hamilton Public Works, to permit the installation of sprinklers, as submitted, under the central lobby stairs of the interior of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A” to Report PED10054, subject to the following conditions:

(a) That the submitted sprinkler system design shall be approved, on a temporary basis only, subject to submission to the Director of Planning, by May 15, 2010, and approval of alternative design for said sprinkler system

(b) That the Heritage Permit Review Sub-Committee shall be consulted respecting the alternative design for said sprinkler system, prior to the approval by the Director of Planning.

(c) That the alternative design, as approved by the Director of Planning, shall be implemented prior to June 15, 2010.

(d) That any damage to the terrazzo flooring shall be repaired and made good, to the satisfaction of the Director of Planning, prior to April 23, 2010.
16. **Green Roofs (Added Motion 9.1)**

(a) That staff from Planning, Public Works and Community Services be directed to prepare a joint report respecting Green Roofs, in order to ensure a co-ordinated, City-wide approach to the matter, and that the joint report be presented to COW;

(b) That the item be removed from the Economic Development and Planning Committee Outstanding Business List.

17. **Amended Draft Plan of Subdivision Application 25T-200808 by Parkside Developments (Albion) Limited and Landmart Realty Corp**, to establish a draft plan of subdivision known as “Penny Lane Estates” on lands located within Part of Lots 25 and 26, Concession 7, in the former City of Stoney Creek; and, **Zoning Application ZAC-08-077, by Parkside Developments (Albion) Limited and Landmart Realty Corp.**, for amendments to the former municipality of Stoney Creek Zoning By-law No. 3692-92 which would result in changes in zoning from the “ND” Neighbourhood Development Zone and the Single Residential “R2” Zone to the Single Residential “R2” Zone, the Single Residential “R4-24” Zone, the Multiple Residential “RM2-19” Zone modified, and the Multiple Residential RM3-37 Zone modified and for changes from the Neighbourhood Development “ND” Zone to the Conservation/Hazard Land “P5” Zone

That the City Solicitor be instructed to advance the following positions in front of the Ontario Municipal Board Hearing respecting the subject appeals;

1) The appeal of **Amended Draft Plan of Subdivision Application 25T-200808 by Parkside Developments (Albion) Limited and Landmart Realty Corp**, to establish a draft plan of subdivision known as “Penny Lane Estates” on lands located within Part of Lots 25 and 26, Concession 7, in the former City of Stoney Creek;

(a) That the amended draft plan of subdivision application 25T-200808 as redlined revised by City Planning Staff and provided to the Economic Development and Planning Committee on April 6 by the City Solicitor, in respect of this matter, is supported by Council with such minor amendments thereto as the Director of Planning and City Solicitor deem appropriate, on the following basis:

(i) That Council’s support applies to Draft Plan of Subdivision 25T-200808, “Penny Lane Estates”, prepared by IBI Group, and certified by B.J. Clarke, OLS, originally dated October 30, 2008, and amended as Revision 4, dated October 20, 2009, as red-line revised, and provided to the Economic Development and Planning Committee on April 6, 2010 by the City Solicitor, showing 154 lots for single detached dwellings (Lots 20 to 56, 58, 60 to 141, 170 to
196, and 225 to 231), 104 lots for street townhouse dwellings (Lots 1 to 19, 142 to 169, 197 to 224 and 232 to 260), 1 block for woodlot/open space (Block 261), 1 group townhouse block (Block 262), 5 future development blocks (Blocks 57, 59, and 264 to 266), 1 storm water management block (Block 263), 6 blocks for a 0.3 metre reserve abutting private lands (Blocks 267 to 272), 2 temporary turning circles (Blocks 273 and 274) and the creation of 6 additional public roads (Streets “A”, “B”, “C”, “D”, “E”, and “F”), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions as provided to the Economic and Planning Committee by the City Solicitor on April 6, 2010.

(ii) That the City Solicitor and Director of Planning by authorized to agree to minor amendments, as they deem appropriate, to the draft plan of subdivision redlined revised by City Planning Staff and to the Special conditions of approval.

(iii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City’s Development Charge Program with respect to this development for the following items:

   (1) Cost sharing for any required oversizing of Street “A” will be in accordance with the City’s current Financial Policies.

   (2) Cost sharing for the proposed Stormwater Management Facility will be in accordance with the City’s current Development Charges Background Study and Financial Policies for Development to an upset limit of $1,169,167.00.

(iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and the maximum permitted density on Block 262, to the satisfaction of the Director of Planning and the Director of Development Engineering.

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

(b) That Council does not support the amended draft plan of subdivision application 25T-200808 as submitted by the applicant for the following reasons:

   (i) The Council adopted Felker Neighbourhood Plan identifies a future road abutting the rear of existing properties to the west of the draft
plan on First Road West, to allow for residential lots to be created through the development of the rear of these properties on the future road. The application for draft plan approval of a plan of subdivision proposes revisions to the road network as shown on the Felker Neighbourhood Plan, which do not provide for an appropriate means of future development for the existing properties at the westerly boundary of the proposed draft plan. The plan should provide a road abutting the existing properties to allow for compatible land development.

(ii) The draft plan of subdivision does not provide sufficient neighbourhood street connectivity with lands to the southeast, namely subdivision application 25T-200908, by Paletta International (2000) Inc.

(iii) The existing woodlot/wetland adjacent to the Mud Street Service Road east of the area to be developed has been removed from the amended plan submitted by the applicant. The woodlot/wetland was originally included in the application. The woodlot should be included in the draft plan to ensure that the woodlot is protected in an acceptable condition, and to ensure that the transition/buffer area contiguous to the woodlot is appropriately designated and dedicated as part of the woodlot. The dimensions of the Block abutting the woodlot in the amended plan do not appear to be consistent with the buffer area/woodlot boundary reviewed and approved by the Environmental Significant Areas Impact Evaluation Group (ESAIEG).

(iv) The applicant is proposing a temporary road connection to First Road West through the subject lands. The temporary road connection is not supported, as the extension of Isaac Brock Drive directly to the south is a more appropriate connection to the neighbourhood, and will provide a secondary means of road access prior to full development. It is also noted that First Road West is to be closed at Mud Street once Isaac Brock Drive has been extended easterly. The temporary road connection would result in traffic utilizing First Road West to get to Isaac Brock Drive, which is contrary to the planned function of the northerly segment of First Road West as a local street.

(v) The Zoning application must be amended in a manner which implements a subdivision addressing items (i) through (iv) above.

(vi) The woodlot/wetland area must be included in the amended Zoning application to ensure that the lands are protected and appropriately recognized in the implementing Zoning By-law.
(vii) That lands fronting on the east side of First Road West included in the application should be zoned with the Single Residential “R2” Zone, consistent with existing zoning on the east side of First Road West.

(viii) Section 51(24) of the Planning Act states the factors which an approval authority must have regard to in considering a draft plan of subdivision, which include:

(c) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Section 2:
(a) the protection of ecological systems, including natural areas, features and functions;
(b) the conservation and management of natural resources and the mineral resource base;
(c) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
(d) the orderly development of safe and healthy communities;
(e) the co-ordination of planning activities of public bodies;
(f) to promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.)

(d) whether the plan conforms to the official plan and adjacent plans of subdivision

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them; and,

(f) conservation of natural resources and flood control.

The draft plan does not adequately address these matters, as follows:

(a) With regards to matters of provincial interest, the amended plan does not provide for the appropriate conservation, management and ultimate dedication of the woodlot/wetland area to the City, which may negatively affect the natural feature and its ecological function in the long term. The proposed road layout does not provide an adequate transportation system and does not co-ordinate with the road layout of adjacent proposed subdivisions as it lacks a connection to the road network proposed to the east. The temporary road connection does not promote the orderly development of the community. In addition, the amended plan does not support sustainable and pedestrian-oriented street development at the
westerly boundary of the plan, since the plan does not provide opportunity for land severance fronting on a public street, for the properties abutting the amended plan.

(b) The road layout of the amended plan does not conform with the adjacent plan of subdivision to the east, namely application 25T-200908, by Paletta International (2000) Inc.

(c) The road layout proposed by the applicant does not provide an adequate link to development to the east within application 25T-200908.

(d) The natural resources (woodlot/wetland) owned by the applicant have been excluded from the application, and, therefore the long-term conservation and appropriate management of the lands cannot be established.

2) The appeal of Zoning Application ZAC-08-077, by Parkside Developments (Albion) Limited and Landmart Realty Corp., for amendments to the former municipality of Stoney Creek Zoning By-law No. 3692-92 which would result in changes in zoning from the “ND” Neighbourhood Development Zone and the Single Residential “R2” Zone to the Single Residential “R2” Zone, the Single Residential “R4-24” Zone, the Multiple Residential “RM2-19” Zone modified, and the Multiple Residential RM3-37 Zone modified and for changes from the Neighbourhood Development “ND” Zone to the Conservation/Hazard Land “P5” Zone.

(i) That the draft Zoning By-law amendment provided to the Economic Development and Planning Committee on April 6 by the City Solicitor, in respect of this matter, is supported by Council with such minor amendments thereto as the Director of Planning and City Solicitor deem appropriate;

(ii) That the amending By-law, approved by the Ontario Municipal Board, be added to Schedule “A”, Map No. 16 of Zoning By-law No. 3692-92;

(iii) That the amending By-law approved by the Ontario Municipal Board be added to Schedule “A”, Map No. 1505 of Zoning By-law No. 05-200; and,

(iv) That the reason Council supports the proposed Zoning By-law Amendment is because it is in conformity with the Hamilton-Wentworth Official Plan, the Official Plan for the City of Stoney Creek and will be consistent with the draft plan of subdivision (application 25T-200808) as reprinted revised by City Planning Staff and which was provided to the Economic Development and Planning Committee on April 6, 2008 upon
3) That the City Solicitor be authorized to retain such experts as necessary, including but not limited to traffic and stormwater consultants, to support the City’s position before the Ontario Municipal Board in respect of the appeals by Parkside Developments (Albion) Limited and Landmart Realty Corp. of Zoning Application ZAC-08-077 and Amended Draft Plan of Subdivision Application 25T-200808;

4) That the amount required to retain experts to support the City’s position before the Ontario Municipal Board, in respect of the appeals by Parkside Developments (Albion) Limited and Landmart Realty Corp. of Zoning Application ZAC-08-077 and Amended Draft Plan of Subdivision Application 25T-200808, be funded first, through the 2010 Budget, second through year end Corporate Surpluses, and lastly through the Tax Stabilization Reserve.

The following Item 18 was amended by adding a new subsection (j) and re-lettering the following subsections accordingly as noted below:

18. Urban Hamilton Official Plan - Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(d)) (City Wide) (Added report)

(a) That City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for the Urban Hamilton Official Plan dated January 25, 2010, and attached as Appendix “A” to Report PED09164(c), be accepted only for those modifications referenced below:

(i) Volume 1 Parent Plan - Section A - modifications 1a, 1b, 2, 3c, 3d, 5, 7, 8a to f, 9a, 10a to 10k, except d and j, 11a, 13, 14, 16a to c, 17a and b, 18 to 21, 22b, 23b, 26, 31 b, and 31c, 32 to 34, 35 a to f, as identified in Appendix “B” attached to Report PED09164(c);

(ii) Volume 1 Parent Plan - Section C, as identified in Appendix “B” attached to Report PED09164(c); and,

(iii) Volume 2 Secondary Plans - Section D – modifications 1, 2a to 2c, and 3, as identified in Appendix “B” attached to Report PED09164(c).

(b) That City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for the Urban Hamilton Official Plan dated January 25, 2010, be accepted for those modifications referenced below, only if the proposed wording or policy number changes are included, as identified in Appendix “B” attached to Report PED09164(c):
(i) Volume 1 Parent Plan - Section A - modifications 1c, 3a, 3e, 4, 9b, 10j, 11b, 12, 15, 14, 27, 28, in part, 30a, 31a, and 31d; and,

(ii) Volume 3 Urban Area Specific policies and Site specific policies and Maps - Section E – modifications 2.

(c) That the City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for Urban Hamilton Official Plan dated January 25, 2010, are not acceptable for those modifications referenced below, as identified in Appendix “B” attached to Report PED09164(c):

(i) Volume 1 Parent Plan - Section A – modifications 1d, 3f, 6, 10d, 22a, 23a, 25, 28 in part, 29, 30 b and c;

(ii) Volume 1 Schedules - Section B- modifications 1 and 2; and,

(iii) Volume 3 Urban Area Specific policies and Site specific policies and Maps - Section E – modifications 1 and 3.

(d) That City Council request the Ministry of Municipal Affairs and Housing:

(i) to defer the applicable policies and mapping in Volume 1 for lands in the West Harbour area, as identified on Schedule “E-1”-Urban Land Use Designations, Volume 2 - West Harbour Secondary Plan and in accordance with Official Plan Amendment 220 until such time as the matters before the Ontario Municipal Board have been resolved and an Order is issued for all or part of the lands subject to the deferral; and,

(ii) to defer a portion of the West Hamilton Innovation District, as identified on Maps B.6.4.1 and 2 of Volume 2 until such time as the matters before the Ontario Municipal Board have been resolved and an Order is issued for all or part of the lands subject to the deferral; and,

(iii) to defer the Mixed Use-Medium Density designation on Schedule “E-1” – Urban Land Use Designations in Volume 1 and land use designations on Map B.7.6-1 and policies for Site Specific Area D Volume 2- Section B.7-West Mountain Area (Heritage Green) Secondary Plan, for the lands in the area of Upper Mount Albion, north of Highland Road until such time as for the extension of Trinity Church Corridor lands has been transferred to the City and the Official Plan Amendment to the former City of Stoney Creek Official Plan is final and binding.

(v) to defer designation of Eramosa Karst feeder area in the Urban Official Plan until Council considers the Open Space designation in the Trinity East Secondary Plan.
(e) That City Council request the Ministry of Municipal Affairs and Housing to make any necessary amendments to the policies and mapping of the Urban Hamilton Official Plan, as identified by any OMB order or amendments implementing the OMB orders, prior to lifting the deferral areas identified in recommendation (d)(i) and (ii) above;

(f) That City Council request the Ministry of Municipal Affairs and Housing to include additional modifications to the Urban Hamilton Official Plan in their final decision, attached as Appendix “C” to Report PED09164(c) for the purposes of:

i) wording clarification;

ii) correcting typographical or mapping errors;

iii) implementing OMB decisions or settlements; and,

iv) implementing approved Official Plan Amendments

(g) That Modification 4 be accepted (deletion of Policy 2.3.2.c) provided that the following new policy is added as follows:

"B.2.3.3 The City recognizes the long-term economic importance of the John C. Munro International Airport and associated highway infrastructure for its unique role as a catalyst for airport related and other employment uses. These future employment lands shall be subject to Policies B.2.2.1 to B.2.2.4 – Urban Boundary Expansions. Lands in the vicinity of the John C. Munro International Airport should be designated for employment purposes that rely on this infrastructure."

(h) That three City modifications be added to Appendix “C” as follows:

i) to add a new policy 7.6.18.9 Site Specific Policy – Area C to permit district commercial uses, for lands located north of Highland Road, on the west side of Upper Centennial Parkway (West Mountain Area (Heritage Green) Secondary Plan, attached as Appendix “C-17a”:

ii) to add new policies Site Specific Policy –Area D, attached as Appendix “C-17a” and change the land use designations from Arterial commercial, Neighbourhood Park and Medium Density 3 to Mixed Use Medium and Medium Density 3, attached as a new Appendix “17” for the lands located on Upper Mt Albion Road, north of Highland Road West (ORC lands) to the West Mountain Area Secondary Plan;

iii) That in the area of Shaver Road and Jerseyville Road that the current reference of “encourages extraction” be removed, and that staff be directed to incorporate the appropriate wording into the documents to be provided to the Ministry for the Provincial modifications.

 Council – April 14, 2010
(i) That the following Appendices be deleted and replaced:
   
   i) Appendix “C-7 (revised Schedule “E-1” – Urban Land Use Designations);
   
   ii) Appendix "C-17"- West Mountain Area Secondary Plan Map;
   
   iii) Appendix “C-19” (revised text for Hwy 5 and 6 – Area Specific UF-1); and,
   
   iv) Appendix “C-19a” (revised Map of Hwy 5 and 6 – Area Specific UF-1).

(j) That Area Specific Policy UF-1 be amended by:

   (i) Deleting 101,742 square meters in Policy 1.0(a) and replacing it with 93,610 square metres; and,

   (ii) Deleting 60,114 square metres in Policy 1.2(b)(i) and replacing it with 52,000 square metres.

(k) That the appropriate Appendices be modified to include the changes contained in recommendations and that staff be directed to forward a consolidated recommendation to the Ministry of Municipal Affairs and Housing.

FOR THE INFORMATION OF COUNCIL:

The Chair advised Committee that before the regular meeting commenced, we have a special guest, Senator Art Eggleton.

The Senator is in Hamilton today for several speaking engagements, and we are honoured that he is here with Committee this morning, to speak about the report, “In From The Margins: A Call to Action on Poverty, Housing and Homelessness.”

Senator Eggleton addressed committee, and provided an overview of the issue and the report. He highlighted the impacts of poverty on the people in the situation and the impact on society and the economy as a whole. The Senator advised that a national strategy for poverty is required.

Committee asked various questions of the Senator, and discussed some of the issues raised.

Chair Ferguson thanked the Senator for attending the Committee meeting.
(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes to the agenda:

- added staff report Urban Hamilton Official Plan - Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(d)) (City Wide), as directed by Council, at their meeting of March 31, 2010,

- added delegation request, Susan Rogers, respecting the proposed modifications to the Urban Official Plan, Item 6.1A on today’s agenda.

- added Closed Session item, respecting a matter which is before the OMB, Parkside Developments(Albion) Limited and Landmart Realty Corporation, Penny Lane Estates, Mud Street Service Road, Stoney Creek, to be added as Item 12.1.

Committee approved the Agenda, as amended.

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

None

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

The Minutes of the Economic Development and Planning Committee meeting of March 23, 2010 were approved.

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

(i) Mario and Angela Giannola respecting request to change conditions for the approved demolition permit for 247 Jones Road (Item 4.1)

Committee approved the delegation request, to speak at a later meeting.

(ii) Susan Rogers, respecting the proposed modifications to the Urban Official Plan, Item 6.1A on today’s agenda.
The Chair advised that the Public Meetings for the Urban OP were held last June, with Council approval last July, and Ms Rogers addressed Committee then. He confirmed that today’s item is not a public meeting.

Committee discussed the matter and considered advice from staff. Tim McCabe noted that the matter before Committee related to the on-going process with the Ministry, as a result of Council’s approval of the Urban Official Plan in July 2009. He noted that any of the landowners who were not satisfied with the Council decision has the option of writing to the Ministry. He cautioned Committee that as no public notice had been required or given here, hearing one delegation might not be appropriate, or fair.

Councillor Mitchell moved a Motion to hear the speaker. There was no seconder.

On a Motion (Clark/Bratina), Committee denied the request to speak from Ms Rogers.

Councillor Mitchell requested that his opposition to this Motion be recorded.

(e) Minutes of the Municipal Heritage Committee February 25, 2010 (Item 5.5(a))

The Minutes of the Municipal Heritage Committee of February 25, 2010 were received.

(f) Urban Hamilton Official Plan - Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(d)) (City Wide) (Referred back to Committee by Council on March 31, 2010 (Added Item 6.1A)

Joanne Hickey Evans provided an overview of the staff report. Points highlighted included the following:

- staff consider that including an “employment reserve” is prudent and should be maintained, Ministry has now confirmed their concurrence
- minor tweaking respecting wording on 5 and 6

Staff responded to various questions from Committee as follows:

- the recommendation proposed today will not affect the use of the recently purchased property by Christian Reformed Church in Ancaster
- staff will clarify wording in the West Mountain area

On a Motion by Councillor Ferguson, seconded by Councillor McHattie, Committee approved an amendment to request Province to remove wording which encourages the use of the sand quarry in the Jerseyville/Shaver Roads area of Ancaster.

On a Motion by Councillor Clark, seconded by Councillor Pearson, Committee approved an amendment respecting the Eramosa Karst area.

On a Motion (Mitchell/McHattie), Committee received the letters from Susan Rogers, Carmen Chiaravelle, Christian Reformed Church and the Bible League.

Committee approved the staff recommendation, as amended.

(g) John Ariens representing Habitat for Humanity (Delegation approved by Committee on March 23, 2010) (Item 6.1)

Mr. Ariens addressed Committee regarding his request to have parkland dedication waived for the Habitat for Humanity townhouse project at Barton/Wentworth/Niagara Streets. He confirmed that he was speaking to Committee today as a representative of Habitat and not as a professional planner.

Mr. Ariens gave an overview of the project which Habitat has undertaken in Hamilton, and noted the additional material he had provided this morning.

Mr. Ariens explained that his original request was for Committee to waive the parkland dedication fees for the townhouse project, being $23,620, but he was now requesting that the other associated planning fees also be waived. The total request from Habitat for the planning fees on this project is $52,470.00.

Staff confirmed that the request to have Development Charges waived would be considered at the next Audit and Administration Committee.

Committee discussed the matters and approved the request from the delegate.

Committee then passed a Motion directing staff to prepare a policy respecting the waiving of fees for this type of application.

On a Motion (Pearson/McHattie), Committee received the delegation, and the information provided.

(h) Comprehensive Review of the Sign By-law (PED05172(g)) (City Wide)

Council – April 14, 2010
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(Outstanding Business List Item) (Item 6.2)

The Chair advised that this item had been referred back from Council for further consultation. He noted that when the Public Meeting was held at this Committee, we approved the staff report, with amendments, and recommended that the new by-law be passed.

Committee briefly discussed the reasons for the referral, including the concerns raised by the mobile sign operators.

Councillor Whitehead noted problems being experienced by volunteer groups who wished to use mobile signs. Staff explained that they are working with some of these groups, and that discretion was being used but that the groups are not exempt from the regulations.

Direction was given to staff to continue to work on this matter, and to come back to Committee with any appropriate amendments to the by-law, at a later time.

Councillor Pearson expressed concerns regarding some of the definitions in the Sign By-law.

Councillor Mitchell expressed concerns about the impact of the restrictive mobile sign rules on “mom and pop” operations, but noted that he liked the changes which had been made to the signage in the agricultural areas.

Councillor Pasuta asked if there had been formal discussions with the mobile sign companies since the Council meeting. Staff advised that the mobile sign companies had not contacted staff.

Councillor Whitehead asked if information could be collected and brought back later respecting quantitative hardships of the new mobile sign regulations.

Mr. McCabe advised that staff would continue to monitor the implementation of the by-law.

Committee approved the recommendation, as previously approved at the February 16, 2010 meeting.

(i) Application for an Amendment to the Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 1280 Hendershot Road (Glanbrook) (PED10042) (Ward 11) (Item 6.3)

Chair Ferguson 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 Official Plan is approved and 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 Official Plan is approved and 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.

On a Motion (Mitchell/Pearson), Committee dispensed with the planner’s presentation.

Alvin Chan was present to assist Committee.

Jeff Tigchelaar, the applicant, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address the Committee.

Committee approved the staff recommendation.

(j) Application for Approval of Revisions to a Draft Plan of Subdivision Known as “Summit Park - Phase 5”, and Amendments to the Glanbrook Official Plan and Zoning By-law 464, for Lands Located Within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, in the Former Township of Glanbrook (PED10083) (Ward 11) (Item 6.4)

Chair Ferguson 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 and zoning by-law amendments, and to approve the draft plan conditions, 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 zoning by-law amendments, and to approve the draft plan conditions, 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/Pearson), Committee dispensed with the planner’s presentation.

Chris Bell was present to assist Committee.

Steve Fraser, the applicant’s agent, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address the Committee.

Committee approved the staff recommendation.

(k) Application for Approval of a Draft Plan of Subdivision for the Lands Located at 198 First Road West (Stoney Creek) (PED10053) (Ward 9) (Item 6.5)

Chair Ferguson 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 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.

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 draft plan of subdivision, 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.

Joe Muto was present to assist Committee and gave an overview of the report.
The planner provided an additional condition, as an amendment to the report, respecting the facility for the solicitor and General Manager to amend conditions, as they deemed appropriate.

Mark Noskiewicz, Goodmans LLP, the agent, addressed Committee in support of the application. He noted his support of the modifications explained by the planner. Mr. Noskiewicz said that he had just seen a letter to the Committee from Russ Cheeseman, agent for Landmart, an adjacent owner. He noted the points of concern in Mr. Cheeseman's letter and said he was hopeful that the issues could be worked out between the parties. Mr. Noskiewicz was against the deferral asked for by Landmart.

Russ Cheeseman, 181 Bay Street, Suite 2310, Toronto, agent for Landmart and Parkside, adjacent owners, addressed Committee and explained his clients' concerns regarding environmental issues, roads, storm water management and servicing. A copy of Mr. Cheeseman's letter was provided for the Committee.

The delegate asked that the matter be deferred, pending resolution of these issues.

Staff provided further information to Committee about the matters raised by Mr. Cheeseman.

John Petropoulos, M&M Tables, 151 Highway No. 20 South, Stoney Creek, addressed Committee and explained his company's on-going concerns with the grading and drainage in the area, how these are being affected by new development, and how the results are causing continuing problems for M&M.

Committee discussed the matters raised and had additional information supplied by staff.

On a Motion (Pearson/Whitehead), the letter from Mr. Cheeseman was received.

On a Motion (Clark/Pearson), Committee approved the staff recommendation, as amended.

Councillor Whitehead asked for his opposition to be recorded.

Committee approved the staff recommendation.
Hamilton Zoning By-law 6593, City of Stoney Creek Zoning By-law 3692-92, and Comprehensive Zoning By-law 05-200 (PED10081) (Item 6.6)

Chair Ferguson 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 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.

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 zoning by-law amendments, 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 (McHattie/Pearson), Committee dispensed with the planner’s presentation.

Shannon Hamilton was present to assist Committee.

Councillor Pearson asked for clarification on the type of surfacing needed for the parking of recreational vehicles, on page 6 of 8 in the staff report, and whether permeable surfaces would be acceptable.

The planner explained that the surface is intended to be asphalt, concrete or other permanent stable surface, and was carried forward from By-law 6593.

Councillor Pearson noted that too many hard surfaces are being created, leading to faster run-off and flooding.

Committee continued their discussions, noting points including the following:

- can a different surface be used for RV parking
- can staff review the parking regulations for institutions where supplementary parking is needed only occasionally

On a Motion (Pearson/Mitchell), Committee approved an amendment to remove the details respecting the surface for the parking of RVs, and deal with it as part of the residential zoning.

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

(m) Amendments to the City of Hamilton Licensing By-law 07-170 respecting “Adult Services Entertainment Establishments” and “Body Rub Establishments” (PED10063(a)) (City Wide) (Item 6.7)

The Chair advised that this is a matter for which Public Notice has been given under the City’s policy for public notification and persons interested in speaking were requested to provide their names to the Clerk, ahead of the meeting.

The Clerk advised that no-one had registered to speak to Committee.

Staff gave an overview of the report, and highlighted points including the following:

- aim is to reinforce Council direction on reducing adult entertainment locations from 3 to 2. One facility currently operates and one license is available. The non-used license could be transferred to another location, if the licensee goes through the proper process
- City cannot prohibit adult entertainment locations but cannot permit a monopoly either, so two licenses have to be available
- Staff is aware of other, non-licensed locations and is working with Police and through the court system to address these

Committee discussed the matter. Councillor Clark agreed to talk off line with staff bout a business in Stoney Creek.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(n) Amendments to the City of Hamilton Licensing By-law 07-170 (PED10063) (City Wide) (Item 6.8)

The Chair advised that this is a matter for which Public Notice has been given under the City’s policy for public notification and persons interested in speaking were requested to provide their names to the Clerk, ahead of the meeting.

The Clerk advised that no-one had registered to speak to Committee.
On a Motion (Pearson/McHattie), Committee dispensed with the planner’s presentation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(o) “Alternative Massage Establishments” Report (PED10075) (City Wide) (Item 6.9)

The Chair advised that this is a matter for which Public Notice has been given under the City’s policy for public notification and persons interested in speaking were requested to provide their names to the Clerk, ahead of the meeting.

The Clerk advised that no-one had registered to speak to Committee.

Marty Hazell gave an overview of the matter and highlighted a number of points, including the following:

- various services which include “touching” are not covered under any license and need to be, except those already covered by Provincial statute e.g. Registered Massage Therapists
- many business of this type include elements of public safety
- staff has met with stakeholders’ groups, had public meetings, ascertained there is general support for new licensing category, in part to weed out “fringe businesses”
- staff looking for Committee endorsement to work further on this type of license, report back in six months

Committee discussed the matter and had additional information supplied by staff. Vince Ormond explained that where a business uses RMTs, they can be exempted from the proposed new provisions.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(p) Establishing a Fence By-Law for the City of Hamilton (PED10084) (City Wide) (Item 6.10)

The Chair advised that this is a matter for which Public Notice has been given under the City’s policy for public notification and persons interested in speaking were requested to provide their names to the Clerk, ahead of the meeting.
The Clerk advised that Tony Onufer had registered to speak to Committee.

Marty Hazell provided an overview of the staff report and highlighted issues including the following:

- former municipalities controlled fences through a number of different by-laws, under both the Municipal Act and under the Planning Act, through zoning regulations. Variations in height and type of fence across City, difficult to enforce
- need to bring City under one new fence by-law, under Municipal Act
- reviewed all former municipal by-laws, and took “highest” fence limits to be included in new by-law
- any fence legal now, under existing regulations, will continue to be legal, and fences constructed before any regulations will also continue to be legal
- fences which were constructed in contravention of any current regulation are not legal
- no fences shall be hazardous, use of barbed wire strictly controlled
- once new by-law in place, Public Meetings required to rescind “old” regulations

Committee asked questions, including the following:

- can fences in area where deer are common be higher, as deer can jump six foot but not eight foot fences – staff will look at this
- can the by-law address the containment of dangerous dogs – no, this is covered by Provincial legislation
- would new by-law prevent situation in Waterdown with 13’ walls – no, this wall was attached to house and therefore considered as a structure or extension of house
- proposed regulations should be referred to the Agricultural and Rural Affairs Committee, to get their input on rural and farm fence issues

Tony Onufer addressed Committee on the matter. His comments included, but were not limited to, the following:

- by-laws should be passed to meet needs, not emotion
- municipality lax in sight triangles in rural areas, some agricultural operators need higher fences, even near intersections
- need clarification of electric fence requirements, doesn’t think by-law specifications are correct
- need to address safety of berms and fences, need also to address grandfathering
- one size does not fit all, especially in the agricultural area
- wants engagement with the agricultural community.

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Len Agostini, 171 7th Concession East, Flamborough, addressed Committee. His points included, but were not limited to the following:

- personal experience of a child going behind a wood board fence, being hidden from sight, and getting into a pond
- wants open face fence construction around and near ponds, to address this safety issue, within 10-25 metres of any pond.

Mr. Hazell explained that a fence around a pond would not be covered by the proposed fence by-law.

On a Motion (Ferguson/Pasuta), the staff report was referred to the Agriculture and Rural Affairs Committee, for their consideration and input, with a specific request to comment on the potential of allowing 8’ fences adjacent to open areas, where deer are common.

(q) Proposals for the West Harbour, Waterloo University students (No copy) (Item 7.1)

The Chair advised that today we have a special presentation from Planning students at the University of Waterloo. They are here with their professor, Karen Hammond, to give us a presentation on their proposals for the West Harbour.

Tim McCabe provided additional background to the presentation by the students.

Ms. Hammond explained that the West Harbour site comprised approximately 170 acres, and was intended as the site for facilities associated with the Pan Am Games. The students had been asked to come up with designs for the area, but had not been given a budget.

The students were requested to use the principles included in the Setting Sail planning documents, and to assume remediation.

The students then presented their findings, with the aid of powerpoint presentations.

Karen Hammond thanked the Committee and staff for the opportunity to study this area.

On a Motion, Committee received the presentation, and thanked everyone involved.
Committee

(r) Commercial Market Assessment Updates for the Concession Street, Downtown Dundas, Ottawa Street, Waterdown and Westdale Village Business Improvement Areas (B.I.A.s) (PED10071) (Item 7.2)

Ron Marini introduced the subject and the consultant, John Archer. He explained that Action Plans had been prepared for all the BIAs in 2002-2003, and that the plans were now being re-visited.

Mr. Archer presented an overview of the Commercial Market Assessment Updates, with the aid of a powerpoint presentation. He noted that the five projects are updates of the plans originally completed in 2002-2003.

Mr. Archer concluded that the City of Hamilton provides great support to their BIAs. He noted that it may be time for a review of the role of HABIA, now that it has been in place for a number of years.

Committee discussed the points raised and had additional information supplied by staff.

On a Motion, Committee received the presentation, and the staff report.

(s) Heritage Permit Application (HP2010-020) Under Part IV of the Ontario Heritage Act for the Installation of Sprinklers Under the Central Lobby Stairs at 71 Main Street West, Hamilton (Hamilton City Hall) (PED10054) (Ward 2) (Item 8.1)

Chair Ferguson noted that while the staff recommendation says that the installed system should be temporary and replaced within 12 months, he was proposing a replacement within six months, before City Hall is re-opened to the public.

Paul Mallard provided background to the planning process, and noted that if Committee approves the revised staff recommendation, staff will move forward to get a revised design approved and installed.

Councillor McHattie asked questions about the process of Heritage Permits, and whether this was being followed properly in this case. He emphasized that the revised design should go back to the Heritage Permit Review Sub-Committee for their review and recommendation, and that this group should not be by-passed.

Staff further explained the process. Scott Hunter from ABE advised that a temporary sprinkler system was installed, on the understanding that this would be replaced.

On a Motion (McHattie/Pasuta), Committee approved an amendment that the Heritage Permit Sub-Committee will be consulted on the final design.

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Chair Ferguson confirmed that the intent here is to have the temporary system replaced with the permanent system, prior to the opening of the building to the public.

Committee approved the Motion, as amended.

(t) **Green Roofs – Councillor McHattie (Item 9.1)**

On a Motion (McHattie/Whitehead), Committee waived the rules to permit the introduction of this item as a Motion.

Councillor McHattie explained the background, and Tim McCabe agreed that staff supports the proposal of a joint report, to be sent to Committee of the Whole.

(u) **Notices of Motion (Item 10)**

There were none.

(v) **GENERAL INFORMATION (Item 11)**

(i) **11.1 Urban Braille (Item 11.1)**

Due date: April 6, 2010

Proposed new date: April 20, 2010,

On a Motion, Committee approved the new date.

(ii) **OSWCA issues respecting Subdivision Agreement conditions and pay assurance (Item 11.2)**

Due date: April 6, 2010

Proposed new date: May 4, 2010

On a Motion, Committee approved the new date.

(iii) **Conversion without building permits of single detached homes to student houses (Item 11.3)**

Due date: April 6, 2010

Proposed new date: _______

On a Motion, Committee approved the new date of April 20, 2010.

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(iv) News from the General Manager (Item 11.4)

There was none.

(w) PRIVATE AND CONFIDENTIAL (Item 12)

(x) ADJOURNMENT (Item 13)

On a Motion (Pearson/Mitchell), the meeting adjourned at 4:15 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
April 6, 2010