Economic Development and Planning Committee
REPORT 10-018
Tuesday, September 21, 2010
9:30 am
Council Chambers
City Hall, 71 Main Street West,
Hamilton, Ontario

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

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
B. Janssen, M. Hazell, J. Spolnik, S. Robichaud, D. Adames,
M. Sergi, R. Marini, J. Thompson, M. Blevins, C. Thomas,
P. Mallard, K. McCauley, H. Milsome, C. Bell, P. Toffoletti,
G. Norman, J. Haan - Planning and Economic Development
M. Kovacevic – Legal Services
A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 10-018 AND RESPECTFULLY RECOMMENDS:

1. Fence Banners in Rural Areas (PED05172(i)) (City Wide) (Item 5.1)

That Report PED05172(i), Fence Banners in Rural Areas (City Wide), be received for information.

2. Licensing of Tow Trucks (PED09019(b)) (City Wide) (Item 5.2)

That Report PED09019(b), Licensing of Tow Trucks (City Wide), be received for information.

Council – September 29, 2010
3. **Ontario Realty Corporation (ORC) Surplus Land - Project 8096 - Located at 1961 Rymal Road East, Described as Parts 12, 36 and 37, Plan 62R-17418, Former Township of Saltfleet, now City of Hamilton (PED10212) (Ward 9) (Item 5.3)**

(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 (ORC) that the City of Hamilton has no interest in acquiring their land located at 1961 Rymal Road East, legally described Parts 12, 36 and 37, Plan 62R-17418, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED10212;

(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 ORC of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” Section of Report PED10212;

(c) That the Hamilton Conservation Authority be notified that the subject land is being declared surplus by the ORC. It is further recommended that any lands deemed to be within the Karst Feeder Area should be retained in public ownership; and

(d) 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 ORC of the need to provide all potential purchasers of the subject lands with the details of the City’s policies on the Karst Lands.

4. **Ontario Realty Corporation (ORC) Surplus Land - Project 8118 - Located at 435 Garner Road, Described as Parts 1, 2, 3, 4 & 5, Plan 62R-16032, in Former Township of Saltfleet, now City of Hamilton (PED10213) (Ward 12) (Item 5.4)**

(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 (ORC) that the City of Hamilton has no interest in acquiring their land located at 435 Garner Road, legally described as Parts 1, 2, 3, 4 and 5, Plan 62R-16032, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED10213; and

(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 ORC of the City of Hamilton’s requirements to the
development of the site as contained in the “Relevant Consultation” Section of Report PED10213.

5. **Adjustments to School Crossing Guard Locations (PED10215) (Wards 2, 4, 6, 7 and 10) (Item 5.5)**

   (a) That the revised list of school crossing guard locations resulting from school re-openings, boundary changes and lunch program changes in Wards 2, 4, 6, 7 and 10 as attached in Appendix “A” to Report PED10215, be approved,

   (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding/removing school crossing guards prior to City Council approval for the proposed changes by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic School Board for the 2011/2012 school year.

6. **Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application - 2142929 Ontario Inc. and 2156600 Ontario Inc., 133, 135 and 153 King Street West, Dundas, ON (PED10214) (Ward 13) (Item 5.7)**

   (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-10-02, submitted by 2142929 Ontario Inc. and 2156600 Ontario Inc. (c/o Pocrnic Realty Advisors), owner of the property at 133, 135 and 153 King Street West, Dundas, Ontario for an ERASE Redevelopment Grant not to exceed $140,000, payable to 2142929 Ontario Inc. over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

   (b) That the Mayor and Clerk be authorized and directed to execute, on behalf of the City, the ERASE Redevelopment Agreement with 2142929 Ontario Inc. and 2156600 Ontario Inc. referred to in subsection (a) with respect to the redevelopment of, 133, 135 and 153 King Street West, Dundas, Ontario and all necessary associated documents, all in a form satisfactory to the City Solicitor.

7. **To Incorporate Certain Land Into Fall Fair Way by By-law (PED10198) (Ward 11) (Item 5.8)**

That By-laws to incorporate Parts 1 and 2 on Plan 62R-18645 and Part 1 on Plan 62R-18674 into Fall Fair Way be prepared to the satisfaction of Corporate Counsel and be enacted by Council and that the General Manager of Public Works be authorized and directed to register the By-Laws.
8. Demolition Permit - 157 Eastbourne Avenue (PED10210) (Ward 3) (Item 5.9)

That the Director of Building Services be authorized and directed to issue a demolition permit for 157 Eastbourne Avenue in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

9. City of Hamilton Support for the 2012 Canadian Open Golf Championship (PED10187) (City Wide) (Item 5.10)

(a) That the proposal for Hamilton to host the 2012 Canadian Open in July 2012, at the Hamilton Golf and Country Club, as per the Letter of Intent attached as Appendix A to Report PED10187, be endorsed;

(b) That support for the event, in the form of services-in-kind to an upset limit of $375,000, for services outlined in Appendix A to Report PED10187, to be funded from the Unallocated Capital Levy Reserve, be approved;

(c) That staff be directed to work with the Hamilton Golf and Country Club to coordinate event logistics, as per Special Event Guidelines, and ensure all established guidelines and policies are adhered to;

(d) That the Mayor and City Clerk be authorized and directed to execute the 2012 Canadian Open Host Contract, between Golf Canada and the City of Hamilton, and that staff report back to Council; and,

(e) That a 2012 Canadian Open Steering Committee, with representatives from Golf Canada, the City of Hamilton, the Ward Councillor, and the Hamilton Golf and Country Club, be established, and that staff report back to Council.

10. Tourism Hamilton 2009 Annual Report (PED10221) (City Wide) (Item 5.11)

That Report PED10221 respecting “Tourism Hamilton 2009 Annual Report”, including Tourism Hamilton’s 2009 Audited Financial Statements, and Tourism Hamilton’s 2008-2010 Strategic Plan Year 2 results attached as Appendices “A” and “B” respectively, to Report PED10221, be received for information.
11. Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for Lands Located at 345 Glancaster Road (Glanbrook) (PED10180) (Ward 11) (Item 6.2)

That approval be given to the following applications:

(a) Amended Draft Plan of Subdivision Application 25T-2010002, by Koppercreek Developments Inc., Owner, to establish a draft plan of subdivision known as “Koppercreek”, on lands located at 345 Glancaster Road (Glanbrook), as shown on Appendix “A” to Report PED10180;

(b) Official Plan Amendment Application OPA-10-004, by Koppercreek Developments Inc., Owner, for Official Plan Amendment No. to amend Schedule “G”, North-West Glanbrook Planning Area - Land Use Plan, from “Low Density Residential” to “Medium Density Residential” of the Glanbrook Official Plan, for lands located at 345 Glancaster Road (Glanbrook), as shown on Appendix “A” to Report PED10180;

(c) Zoning Amendment Application ZAC-10-010, by Koppercreek Developments Inc., Owner, for a change in zoning from the Existing Residential “ER” Zone to the Multiple Residential “RM2-261” Zone (Block 1) and the Multiple Residential “RM3-262” Zone, to permit the development of street townhouse dwellings and block townhouse dwellings, for lands located at 345 Glancaster Road (Glanbrook), as shown on Appendix “A” to Report PED10180;

(d) Official Plan Amendment Modification No. to the Urban Hamilton Official Plan to amend Map B.5.3-1, North-West Glanbrook Secondary Plan - Land Use Plan, from “Low Density Residential 2” to “Low Density Residential 2c”, for lands located at 345 Glancaster Road (Glanbrook), as shown on Appendix “A” to Report PED10180;

subject to the conditions as outlined in the GSP Group letter dated September 16, 2010, attached to this report as Appendix “B”, and to the items discussed at Committee on September 21, 2010, and that staff be directed to prepare the appropriate planning documents for approval by Council.

12. Application for a Change in Zoning for the Lands Located at 620 South Service Road (Stoney Creek) (PED10192) (Ward 10) (Item 6.4)

That Zoning Application ZAC-10-006, by Aftab Qaisar, Applicant, for modifications in zoning to the Business Park Industrial “MBP” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to add a stand-alone car wash, accessory retail commercial and a drive-thru restaurant as permitted uses, and for modifications in zoning to the Prestige Industrial (M3) Zone in Hamilton Zoning By-law No. 05-200 to add a stand-alone car wash as a permitted use, on the lands located at 620 South Service Road, Stoney
Creek, as shown on Appendix “A” to Report PED10192, be denied for the following reasons:

(a) that the proposed uses are not ancillary to the employment lands uses;

(b) that the uses proposed are premature; and

(c) that the uses proposed would compete with the commercial uses in the area.

13. Application for Official Plan Amendment (OPA-07-014), Zoning By-law Amendment (ZAC-07-053), and Plan of Subdivision (25T-200712) for the “Brow Lands”, Located at Part Lot 57, Concession 2, City of Hamilton, and Application for Road Closure of a Portion of Sanatorium Road north of Scenic Drive (PED10116) (Ward 8) (Item 6.5)

That the following applications respecting the Brow lands be Denied;

(a) Subdivision Application 25T-200712, by Deanlee Management Inc. (Applicant), to establish a draft plan of subdivision on the property located north of Scenic Drive, east and west of Sanatorium Road (Hamilton), as shown on Appendix “A” to Report PED10116;

(b) Amended Official Plan Amendment Application OPA-07-014, by Deanlee Management Inc. (Applicant), to amend Schedule ‘A’, Land Use Concept of the former City of Hamilton Official Plan from “Institutional” to “Residential” and “Natural Open Space”; to amend Schedule “J-1” Chedmac Planning Area Secondary Plan, to include the subject lands as “Brow Lands Area Specific Policy” and to designate the lands accordingly; and to add to the Chedmac Planning Area Secondary Plan policies relating to the development of the “Brow Lands Area Specific Policy”; for lands located north of Scenic Drive, and east and west of Sanatorium Road (Hamilton), as shown on Appendix “A” to Report PED10116;

(c) Official Plan Amendment/Modification No. to the Urban Hamilton Official Plan to amend Map B.6.3-1 - Chedmac Planning Area Secondary Plan to include the subject lands as “Brow Lands” and to designate the lands accordingly; and to add to the Chedmac Secondary Plan policies relating to the development of the “Brow Lands”, attached as Appendix “E;

(d) Amended Zoning Application ZAC-07-053, by Deanlee Management Inc. (Applicant), for changes in zoning from the “AA/S-1353” (Agricultural) District, Modified, to the “DE/S-1600” (Low Density Multiple Dwellings) District, Modified, with a Special Exception, and “E-H/S-1600” (Multiple Dwellings, Lodges, Club, etc. - Holding) District, Modified, with a Special Exception and Holding Provision, in Zoning By-law No. 6593, shown as Blocks 1 and 2 on Schedule “A” of
Appendix “F1” to Report PED10116; and a change in zoning from the “AA/S-1353” (Agricultural) District, Modified, to the Conservation/Hazard Land (P5) Zone in Zoning By-law 05-200 for lands located north of Scenic Drive, and east and west of Sanatorium Road (Hamilton), as shown on Schedule “A” of Appendix “F2” to Report PED10116;

(e) The application to permanently close and transfer a portion of the municipal road, being Parts 1, 2, and 3 on the draft reference plan attached as Appendix “G” to Report PED10116;

(f) That James Bennett of MMM Planning be engaged as the planner to represent the City of Hamilton at the OMB Hearing.

for the reasons set out in the planning report presented to the Economic Development and Planning Committee, on September 21, 2010, by James Bennett, MMM Planning, and attached hereto as Appendix A.

14. Street Name Change from Highgate Drive to Highgate Heights (Stoney Creek) (PED10207) (Ward 10) (Item 6.6)

That approval be given to the following:

(a) That the south leg of “Highgate Drive”, running north from Candlewood Drive in the former City of Stoney Creek, be renamed “Highgate Heights”, with the location as identified on Appendix “A” to Report PED10207.

(b) That the draft By-law, attached as Appendix “E” to Report PED10207, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on September 21, 2010, be enacted by City Council.

15. Official Plan Amendment, Zoning By-law Amendment, and Proposed Plan of Subdivision for Lands Located at 95 Poplar Street (Ancaster) (PED10208) (Ward 14) (Item 6.7)

(a) That approval be given to Amended Official Plan Amendment Application OPA-09-006, by Dean Alan Kenney and Elizabeth Mary Kenney, Owners, for Official Plan Amendment No. ___ to the Official Plan for the Town of Ancaster, to establish a Specific Policy Area recognizing the subject lands as part of the Jerseyville Settlement Area, and to permit residential lots on the north side of Poplar Street, as shown on Appendix “A” to Report PED10208, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10208, be adopted by City Council.

Council – September 29, 2010
(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Zoning Application ZAC-09-024, by Dean Alan Kenney and Elizabeth Mary Kenney, Owners, for a change in zoning from the Agricultural “A” Zone to the Residential Hamlet “RH-620” Zone, with a Special Exception, as shown on Appendix “A” to Report PED10208, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10208, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 4, of Zoning By-law No. 87-57.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No. __.

(c) That approval be given to Draft Plan of Subdivision Application 25T-200905, by Dean Alan Kenney and Elizabeth Mary Kenney, Owners, as revised, to establish a draft plan of subdivision, known as “Poplar Estates”, on lands located within Part of Lot 18, Concession 3 (Ancaster), in the former Town of Ancaster, as shown on Appendix “A” to Report PED10208, subject to the following conditions:

(i) That this approval apply to “Poplar Estates”, 25T-200905, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, OLS, dated June 7, 2010, showing 4 lots (Lots 1-4) for single-detached dwellings, attached as Appendix “D” to Report PED10208, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED10208, and as revised by Committee on September 21, 2010, to add the following condition:

1. That a warning clause be added in all Agreements for Purchase and Sale documents for all lots within the Draft Plan prior to registration:

   “Future owners/tenants are advised that agricultural operations on the adjoining lands may occasionally interfere with the enjoyment of the property”.

And as revised by Committee on September 20, 2010 to delete the following Condition:

2. That condition #10 of Appendix “E” to Report PED10208 be deleted.

Council – September 29, 2010
(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan. The calculation of Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;

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

16. Applications for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, the City of Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision, for the Lands Located at 435 Garner Road East (Ancaster) (PED10186) (Ward 12) (Item 6.8)

That the following planning applications be approved:

(a) Official Plan Amendment Application OPA-07-031, by Ontario Realty Corporation, to amend Map “1” of the Garner Neighbourhood Road Secondary Plan from: “Low Density Residential 1” to “Medium Density Residential 1” and “Medium Density Residential 2”, and from “Low Density Residential 2” to “High Density Residential” and “Public Elementary School”, for the lands located at 435 Garner Road East (former Town of Ancaster), in the City of Hamilton, as shown on Appendix “A” to Report PED10186;

(b) Official Plan Amendment No. [redacted], to modify the Urban Hamilton Official Plan to amend Map B.2.3-1, the Garner Neighbourhood Secondary Plan, respecting 435 Garner Road East (former Town of Ancaster), and should Council’s decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Official Plan and defer them until the Official Plan Amendment to the Town of Ancaster Official Plan is final and binding;

(c) Amended Zoning Application ZAC-07-105, by the Ontario Realty Corporation, Owner, for changes in zoning to Ancaster Zoning By-law No. 87-57 respecting 435 Garner Road East (Ancaster);

(d) Amended Draft Plan of Subdivision Application 25T-200725 by the Ontario Realty Corporation, Owner, to establish a draft plan of subdivision, on lands located within Part of Lot 46, Concession 3, in the Former Geographic Township of Ancaster (435 Garner Road East);

Council – September 29, 2010
And that the approvals are subject to the letter dated September 20, 2010, from GSP Group, received by Committee on September 21, 2010, attached to this report as Appendix “C”, and as discussed by Committee on that date, and that staff prepare and present the appropriate planning documents to Council for approval.

17. Proposed Policy for Sharing of Parking Revenue (PED06003(a)) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15) (Item 8.2)

(a) That in addition to the current $82,720 in the Downtown and Community Renewal Division’s annual operating budget, 10% of the Hamilton Municipal Parking System’s net operating surplus, to the maximum of $167,280, be allocated annually to active Business Improvement Areas regulated by paid parking;

(b) That allocation of the $82,720 that the BIAs receive as a contribution to their annual operating budget through the Downtown and Community Renewal Division’s Account 56905-815015 be administered in accordance with the existing formula previously approved by HABIA;

(c) The funding formula for sharing of Council approved annual parking revenue surplus within active BIAs be a blend of 50% from each formula below:

(i) The proportionate share formula used to determine each BIAs operating grant from the City times the Council approved annual parking revenue surplus;

(ii) The percent that the individual BIA generates through parking meters of the total parking revenue generated from parking meters within all the BIAs times the Council approved annual parking revenue surplus;

(d) That the Policy and Procedure for the Revenue Sharing of Hamilton Municipal Parking System’s Net Annual Operating Surplus with Hamilton’s Business Areas attached as Appendix "A" to Report PED06003(a) be amended to reflect (a) and (b) above, and adopted;

(e) That a BIA Sharing of Parking Revenue Reserve be established for the purpose of placing unspent funding for future use by the BIAs in accordance with the Policy and Procedure that were identified in the report; and,

(f) That staff consult with HABIA during its strategy session planned for 2011 on the Policy and Procedure for Revenue Sharing of the Hamilton Municipal Parking System’s Net Annual Operating Surplus and report back to council in Q4/11 on any recommended amendments to the document.

(g) That Report PED06003(a)) be received
18. **MC2 Homes, 203 Parkside Drive Waterdown 25T 200709, ZAC- 07-60**

That with regard to the appeal to the Ontario Municipal Board by MC2 Homes Inc. of Draft Plan of Subdivision Application 25T-200709, and zoning application ZAC-07-60, 203 Parkside Drive, to establish a draft plan of subdivision, draft plan conditions and related zoning:

1. That legal counsel for the City be instructed to advance the special conditions of draft plan approval for 25T-200709 and the proposed zoning by-laws, as presented to Committee on September 21, 2010, before the Ontario Municipal Board on the hearing of these appeals and;

2. That legal counsel for the City and the Director of Planning be authorized to continue to negotiate and make amendments to the draft plan conditions and the zoning by-law as they deem appropriate, for the purposes of preparing for and attending upon the Ontario Municipal Board hearing

19. **22 Green Mountain Road West – Empire Communities (ZAC-08-026 and 25T – 200803)**

That the City Solicitor take the position before the Ontario Municipal Board hearing of the appeal of zoning amendment application ZAC-08-026 and the appeal of subdivision application 25T-200803 that the OMB allow the appeals and approve the applications subject to:

1. the requirement through a holding provision in the zoning by-law amendment that the applicant submit a revised Radio Frequency Emission study that addresses the concerns, regarding the identification of the location of antennae, set out in the peer review, by Francois Gauthier (Spectrum Expert Inc.), of various radio frequency emission studies and measurements undertaken by the applicant and others;

2. the requirement through a holding provision in the zoning by-law amendment and the appropriate condition of draft approval that Industry Canada complete its measurements of radio frequency electromagnetic fields in the vicinity of the applicants lands and advise that there are no Safety Code 6 issues resulting from the applicant’s proposed development and the implementation of any recommendations by Industry Canada which are applicable to the applicant;

3. the requirement through a condition of draft approval that the applicant implement the recommendations in the peer review by AMEC of the Landfill Impact Assessment study submitted by the applicant;
(4) the conditions of draft approval and draft zoning by-law amendments recommended by staff in report number PED09275 dated September 28, 2010, and as amended by Committee on September 21, 2010, respecting the addition of a warning clause in all offers of purchase and sale, on title, respecting potential interference from the adjacent operations with phone lines and other electronic devices with such amendments thereto as the City Solicitor and Director of Planning deem appropriate, and,

i. That, the owner shall agree in the Subdivision Agreement, to cover the costs associated with a peer review by a qualified professional environmental engineer, of the risk model data employed by GlobalTox contained within the Revised Landfill Impact Assessment titled “Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood” revised September 14, 2010 and prepared by MTE Consultants Inc., in order to confirm the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering.

ii. That, prior to issuance of building permit, the peer review findings pertaining to the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills will be satisfied through the submission of a certification letter, issued and stamped by a qualified professional environmental engineer, stating that the required clayey silt soil layer depth has been placed, compacted and graded for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering.

iii. That, prior to the registration of the final plan of subdivision, a landscape plan shall be prepared and implemented, to the satisfaction of the Director of Planning, that provides for fencing and tree planting along the property boundary between lands within the draft plan and the lands on which Juch-tech Inc./Hamilton Teleport operations are located.

(5) the City’s standard conditions of subdivision approval;

all to the satisfaction of the Director of Planning.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- several added delegation requests, all of which have been copied and distributed this morning. They have been added under Section 4 of the Agenda.

- Letter from David Van der Woerd, requesting postponement of Item 8.1, Committee of Adjustment Minor Variance Application HM/A-10:136, for the Property Located at 3 Minto Avenue (Hamilton), (PED10211) (Ward 3), until October 5, 2010, and requesting to be a delegation at that time.

- BIA parking was referred back to Committee, by Council, to be added as Item 6.9.

- added Closed Session item, respecting Item 6.5, Chedoke Browlands Development on Scenic Drive (OPA-07-014, ZAC-07-053 and 25T-200712. We will do this after the other Closed Session items, at the end of the meeting.

On a Motion (Pasuta/Pearson) Committee approved the Agenda, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

On a Motion (Clark/Bratina), the Minutes of the Economic Development and Planning Committee meeting on September 7, 2010 were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation requests, respecting Chedoke Browlands Development on Scenic Drive (OPA-07-014, ZAC-07-053 and 25T-200712, Item 6.5

On a Motion, the following speakers were approved to speak today.

Council – September 29, 2010
Jamie Bennett, MMM Group Limited, on behalf of Chedoke Brownlands Community

Bruce Whitelaw, area resident

Paul Demelo, Kagan Shastri, lawyers for the applicant, Deanlee Management

(ii) Delegation requests respecting Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for Lands Located at 345 Glancaster Road (Glanbrook) (PED10180) (Ward 11) (ITEM 6.2)

On a Motion, the following speakers were approved to speak today:

Dave Goddard, Kopper Creek Citizens’ Committee
Fran Borsellino, 35 Kopperfield Lane

(iii) Delegation requests respecting Application for a Change in Zoning for the Lands Located at 620 South Service Road (Stoney Creek) (PED10192) (Ward 10)

On a Motion, the following speakers were approved to speak today:

Chris Millar, Upper Canada Consultants, on behalf of the applicant
Peter Walker, Walker, Nott, Dragicevic, on behalf of Multi Area Developments Inc

(iv) Delegation request from Paul Demelo, lawyer for Empire Communities respecting Item 12.3 22 Green Mountain Road West – Empire Communities (ZAC-08-026)

On a Motion, Committee approved this delegation to speak today, respecting Item 12.3, before the Closed Session portion of the meeting.

(v) Sydney Hamber, respecting need for large parcels of industrial land

On a Motion, Committee approved this delegation to speak at a future meeting.
(vi) Sergio Manchia, IBI, respecting RIOCAN Power centre, Flamborough, and the removal of the H Holding provision on the by-law

On a Motion, Committee approved this delegation to speak at a future meeting.

(e) Parking Payment Options at City Hall Parking Lot (PED10219) (City Wide) (Item 5.6)

Committee discussed the matter and raised the following concerns:

- parking payment should be made easier for the public, either by debit/credit card machine, change machine or token system, particularly when they are attending long meetings of Committees

Committee referred the matter back to staff, for a report back on these options, together with any other appropriate alternatives.

(f) Demolition Permit - 157 Eastbourne Avenue (PED10210) (Ward 3) (Item 5.9)

Councillor Bratina suggested that the service club who is the applicant here is not in a position to pay for all the standard conditions.

Committee approved the Recommendation, with the conditions removed.

(g) City of Hamilton Support for the 2012 Canadian Open Golf Championship (PED10187) (City Wide) (Item 5.9)

Chair Ferguson requested that he be added to the list of those on the Steering Committee.

(h) Julia Kollek, 90 Victoria Street, Dundas, representing Environment Hamilton, regarding request to grow the Greenbelt as part of an Ontario-wide initiative (Item 6.1)

Ms. Kollek addressed Committee with the aid of a powerpoint presentation. She have an overview of the Green Belt in Ontario and requested that Committee agree to add Spring Creek in Dundas to the Green Belt.
Bill Janssen explained that this was already a Council direction and that a report would be coming forward.

On a Motion, Committee received the delegation and thanked Ms. Kollek.

(i) Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for Lands Located at 345 Glancaster Road (Glanbrook) (PED10180) (Ward 11) (Item 6.2)

Councillor Mitchell provided an overview of what had happened since the Committee tabled the item. He noted that meetings had been held between all parties and that a good compromise had been reached.

Jennifer Haan, was present to assist the Committee.

On a Motion, Committee agreed to hear from applicant’s agent, Glen Scheels, GSP Group.

The Chair advised that the Public Meeting was concluded at our August meeting but that three delegations had been approved to speak today.

Dave Goddard, Kopper Creek Citizens Committee, addressed the Committee. His comments included, but were not limited to, the following;

- confirmed residents, agent and Councillor had met, come to an appropriate compromise on changes to the development, residents now satisfied.

Fran Borsellino was not present to address Committee.

Glen Scheels, GSP group, addressed the Committee. His comments included, but were not limited to, the following;

- decrease to 42 units
- now 12 instead of 15 townhouses on Kopperfield Lane, all have double garages and driveways
- project will all be under Site Plan control
- upgraded streetscape treatment, fencing, landscape plans
- sensitive solution to problem, residents will sit on Liaison Committee, assist in details
- revisions also made to draft plan and zoning by-law.
Steve Robichaud explained that the street townhouses would be subject to a modified site plan process, by adding details to the subdivision process. He added that City policy states that parkland dedication cannot stay in the local area, but added that extra trees can be planted in the local park.

Councillor Mitchell requested that Parks staff be asked to review the play equipment in Kopperfield Park and to update or replace it.

On a Motion, Committee received the delegations.

Councillor Mitchell thanked the residents and the agent for all their work in bringing about the compromise agreement.

Committee approved the applications, subject to the details specified in the GSP letter, and the details discussed today, and directed staff to prepare the appropriate planning documents for approval by Council. Committee agreed with staff that these documents would go to Council in October.

(j) Applications to Amend the City of Stoney Creek Official Plan for Lands Located at 1365 and 1367 Baseline Road, and to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1365 Baseline Road (Stoney Creek) (PED10194) (Ward 11) (Item 6.3)

Councillor Mitchell provided an overview of what had happened since Committee tabled the item. He noted that he had met with a group of residents and representatives from the applicant yesterday and reviewed the matter in detail. Councillor Mitchell noted that the hotel component of the application is on hold for now, and may be replaced by commercial with residential above.

On a Motion, Committee tabled the matter to allow further time for discussions between all parties. Councillor Mitchell advised that the discussions might not be finished until after the Municipal Election.

(k) Application for a Change in Zoning for the Lands Located at 620 South Service Road (Stoney Creek) (PED10192) (Ward 10) (Item 6.4)

Paul Mallard gave an overview here of what had happened since Committee tabled the item. He noted that the ORC wish to have any request for a land exchange to be in writing, but that they had not contemplated a land exchange.

The Chair advised Committee that the Public Meeting was concluded at our previous meeting but that two delegations have been approved to speak today.
Chris Millar, Upper Canada Consultants, on behalf of the applicant addressed Committee. His comments included, but were not limited to, the following;

- supported staff recommendation to permit proposed use
- client had not anticipated any land exchange, very concerned about the delay and the issues being raised now
- client would like to proceed with uses as applied for
- requested Committee approve the application today

Peter Walker, Walker, Nott, Dragicevic, on behalf of Multi Area Developments Inc, addressed the Committee. His comments included, but were not limited to, the following;

- his clients have commercial land in the area
- all lands around site are vacant, visible to highway
- considered commercial uses beyond a gas bar to be inappropriate
- use should not be permitted on subject site, use is premature
- referenced his letter which had been included with previous Agenda.

On a Motion, Committee received the delegations.

Committee discussed the matter in detail and had additional information supplied by staff. Committee members considered points including the following:

- is this type of commercial use appropriate in employment land areas, should commercial uses in such areas be “fine-tuned”?
- would this use be ancillary to future uses or would it attract traffic off highway, was this the intent of the policy?
- does this proposal point out an inconsistency in approved policy?

Mr. McCabe explained ancillary commercial uses are allowed in employment areas, and were part of Council-approved industrial zoning by-law. While By-law appealed to OMB, this part of by-law not under appeal.

Committee moved to deny the application.

The denial motion CARRIED on the following standing recorded vote:

YEAS: Ferguson, Bratina, Clark, Duvall, Pasuta, McHattie, Pearson, Whitehead
TOTAL: 8
NAYS: 0
TOTAL: 0
ABSENT: Mitchell

Council – September 29, 2010
Application for Official Plan Amendment (OPA-07-014), Zoning By-law Amendment (ZAC-07-053), and Plan of Subdivision (25T-200712) for the “Brow Lands”, Located at Part Lot 57, Concession 2, City of Hamilton, and Application for Road Closure of a Portion of Sanatorium Road north of Scenic Drive (PED10116) (Ward 8) (Item 6.5)

Councillor Whitehead gave an overview here of what had happened since Committee tabled the item in June, following the Special Public Meeting at the People’s Church.

The Chair noted that the Public Meeting was concluded at our special meeting in June but there are two delegations to address us, as approved this morning.

Jamie Bennett, MMM Group Limited, on behalf of Chedoke Browlands Community, addressed Committee. His comments included, but were not limited to, the following:

- beautiful site, residential use is appropriate
- proposal represents over-intensification of the site, not consistent with City growth vision, or GRIDS, or Official Plan or Nodes and Corridors
- surrounding area low density, low profile single detached development, site proposes apartments 4-8 storeys, inconsistent, incompatible
- not in accord with intent of Niagara Escarpment Plan
- not in accord with Chedmac Secondary Plan
- planning documents as presented are incomplete
- what will be outcome of matters if site is sold to another developer
- development intent is not specified, could be residential or retirement, differences between the two have an impact, thus applications premature
- historical attributes of site, details should be specified now
- servicing details not provided, particularly storm water management issues
- suggested Committee deny application and enter into settlement discussions with applicants

Bruce Whitelaw addressed the Committee. His comments included, but were not limited to, the following:

- detailed concerns about suitability of sewer infrastructure on site for a large new development, existing pipes will need to be enhanced, upgraded
- details of the upgrading, costs and payments must be decided now, before any development approved.
Gavin Norman said had already met with Mr. Whitelaw, would meet again with him respecting further details.

Paul Demelo, Kagan Shastri, lawyers for the applicant, Deanlee Management addressed the Committee. His comments included, but were not limited to, the following;

- process ongoing several years, many revisions already
- had offered to be involved in Mr. Bennett’s process, but not invited
- supports staff report, appropriate site for intensification, site in accord with Provincial policy
- application is compatible with neighbourhood, compatible does not mean “the same as”
- aware of NEC issues
- Official Plan and Zoning By-law documents are satisfactory, not “premature” application
- Whether Deanlee develops or sells to another company, the planning documents will guide development
- Did not hear Mr. Bennett give an opinion on what density would be satisfactory.

On a Motion, Committee received the delegations.

Kirsten McCauley was present to assist Committee. Her comments included the following:

- NEC meeting on August 19, 2010, Commission supported Hamilton staff report, subject to three conditions, they will attend pre-hearing, do not support blasting, need detailed engineering plans.

Councillor Whitehead proposed that the applications be refused, for the reasons set out by Mr. Bennett and proposed that Mr. Bennett should represent City at OMB.

Committee discussed the matter in detail.

Mike Kovacevic confirmed that Committee could recommend denial of the application if they wished. Should that happen, there would be a need to hire an outside planner for the matter.

The denial motion CARRIED on the following standing recorded vote:

YEAS: Bratina, Clark, Duvall, McHattie, Pasuta, Pearson, Whitehead
TOTAL: 7

Council – September 29, 2010
(m) Street Name Change from Highgate Drive to Candlewood Drive (Stoney Creek) (PED10207) (Ward 10) (Item 6.6)

On a Motion, Committee received an added submission from Joyce and Hugh O'Donnell, Jennifer and Tim Visser, and Stephanie and Tom Nash, in opposition to the name change.

Paul Toffoletti, was present to assist Committee.

The Chair advised that as this is a City initiative there is no outside agent to address us.

The Chair advised that this proposed street name change has been advertised in the newspapers, as per the requirements of the Municipal Act. He requested anyone who would like to speak to Committee about this to come forward.

No members of the public came forward to address Committee.

Councillor Clark updated the meeting on his discussions with residents. He noted that the name “Highgate Heights” had been agreed by all parties.

On a Motion, Committee approved the revised recommendation.

(n) Official Plan Amendment, Zoning By-law Amendment, and Proposed Plan of Subdivision for Lands Located at 95 Poplar Street (Ancaster) (PED10208) (Ward 14) (Item 6.7)

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 and draft plan are 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 and draft plan are 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.

Chris Bell was present to assist Committee, and provided an overview of the application with the aid of a powerpoint presentation. His comments included, but were not limited to, the following:

- original proposal reduced to four new houses, each on a 2 acre lot, due to hydro geological conditions
- hamlet of Jerseyville provided with a boundary in new Rural Plan and this area included in hamlet, as part of comprehensive review
- four letters of opposition to the original 8 lot plan, no letters respecting revised plan.

Steve Fraser, A.J. Clarke, addressed Committee in favour of the staff recommendation.

Dean Kenny, the applicant, addressed Committee. His comments included, but were not limited to, the following:

- brought land 10 years ago, built own house, always had intent to build more houses
- love Jerseyville, want to enhance it
- no street lights on Poplar or Jerseyville, is flexible on whether lights should go in or not, he preferred not
- planted over 100 trees already, will plant more along proposed lot lines.

Michael White, 525 Park Road North, Brantford, addressed the Committee, on behalf of his client, Gerda Teis. His comments included, but were not limited to, the following:

- concerned about his lack of notice
- said it was classic conflict of proposed residential use adjacent to working farm, concerned about future complaints from new residents about odour, noise, dust
- requested covenants on title to address future complaints, and ensure no interference with agriculture
- concerned about drainage plan of houses, to ensure no flooding on farm property
- his client has farmed the adjacent property since 1969.
Harley Massi, Poplar Street, addressed Committee. His comments included, but were not limited to, the following:

- resident there 20 years, thought land would stay agricultural
- concerned that no notification prior to notice of this meeting.

Liz Kenny, 95 Poplar Street, addressed Committee. Her comments included, but were not limited to, the following:

- no concern about water availability, only bought water once, when grandson wanted an ice rink
- street lights are a concern in rural areas, she put up two lights, these are small lights, but now on timers as a result of concerns from neighbours
- land in question now farmed, used for soy beans, we let farmer have land for free, since too small to use equipment efficiently
- no livestock on property
- we had drainage issues but City fixed problem.

Mr. Massi addressed Committee for a second time.

- concerned about potential for vandalism since no street lights, would like some lights on Jerseyville, Poplar.

Mr. Kenney, the applicant, advised Committee that Mr. Massi had previously enquired about buying one of new lots from him.

No further members of the public came forward.

Committee discussed the matter and had additional information supplied by staff. Points raised included the following;

- area added to Jerseyville hamlet, as part of comprehensive review leading to new Rural Official Plan, so will not be a precedent
- Rural Official Plan presently at OMB, extension of Jerseyville not one of appeals, if Committee wants to change this, would require detailed, complex process, including an Official Plan Amendment
- Street lights may not be needed
- Poplar Street is chip and tar, is required to be “brought back to like condition” after development concluded. Staff directed to confer with Ward Councillor, respecting final condition of road, after development completed.

Steve Fraser added that his client intends to maintain rural character of the area.

Council – September 29, 2010
Committee continued their discussion:

- is there a need to include sidewalks, street lights to comply with Provincial regulations on handicapped accessibility.

Staff responded that these regulations were not yet in force.

- loss of agricultural land an issue, development next to a working farm may lead to complaints
- concern about drainage, potential adverse impacts on adjacent farmland
- implications of high level decisions in this case Rural Official Plan, not always clear
- have we lost sight of Vision 2020?.

Committee agreed to amendments to the conditions to remove requirements for sidewalks and street lights, and to include warning clauses on Offers of Purchase and Sale, respecting the operation of an adjacent working farm.

Staff confirmed that a grading plan required as part of subdivision agreement, will be a drainage easement along rear of new residential lots.

Committee approved the staff recommendation, as amended.

(o) Applications for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, the City of Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision, for the Lands Located at 435 Garner Road East (Ancaster) (PED10186) (Ward 12) (Item 6.8)

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 Amendment and draft plan are approved and the 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 Official Plan Amendment and draft plan are approved and the 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, Committee received an added submission from the applicant’s agent, GSP Group, which had been distributed this morning.

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

Joe Muto was present to assist Committee and explained the changes which had been worked out to the recommendations. His comments included, but were not limited to, the following;

- discussions had taken place between Ward Councillor, applicants and staff after completion of staff recommended conditions. Ward Councillor and applicant had agreed to various changes, as set out in letter from GSP Group, received by Committee this morning. Staff does not oppose the changes
- revised plan removes all 9 metre lots, changes various frontages and other details
- no change to creek, no change to minimum 10 metre buffer adjacent to ESA, woodlot.

Paul Moore, GSP Group, addressed Committee on behalf of the applicant, ORC. He said he was in favour of the revisions as included in his letter and outlined by the planner.

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

Chair Ferguson vacated the Chair to Councillor Pasuta, in order to speak to the matter. He explained his support for the revised recommendation.

On a Motion, Committee approved the recommendation, as amended, and outlined in the GSP Group letter. They directed staff to bring forward the appropriate documents, including the changes, to Council for approval.
Proposed Policy for Sharing of Parking Revenue (PED06003(a)) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15) (Item 8.2)

The Chair advised that this matter had been referred back to this Committee by Council. He noted that the Clerk had distributed the original staff recommendation, together with different Options for consideration.

With the approval of Committee, Hazel Milsome outlined Option 4.

On a Motion, Committee agreed to waive the rules to hear delegations from two of the BIAs.

Patty Dispinic, Ottawa Street BIA, addressed Committee in favour of Option 4.

- had facilitated the original parking discussion session for HABIA
- explained she was speaking for her own BIA, as HABIA does not have a spokesperson
- explained philosophy of formula
- advised that her BIA would like to get the matter finalized.

Kathy Drewitt, Downtown BIA, addressed Committee.

- advised that she spoke on behalf of her own BIA, in favour of the formula.

Councillor Duvall explained that the Concession Street BIA was not happy with the plan.

Committee approved Option 4. Councillor Duvall requested that his opposition be recorded.

Committee of Adjustment Minor Variance Application HM/A-10:136, for the Property Located at 3 Minto Avenue (Hamilton), Supported by the Planning and Economic Development Department But Denied by the Committee of Adjustment (PED10211) (Ward 3) (Item 8.1)

The Chair noted that, as agreed at the start of the meeting, this matter would be placed on the October 5, 2010 Agenda.

MOTIONS (Item 9)

None
NOTICES OF MOTION (Item 10)

None

GENERAL INFORMATION (Item 11)

(i) News from the General Manager (Item 11.1)

Mr. McCabe had distributed copies of the first issue of Momentum, a new publication. This edition focused on economic development in the City, and recent successes.

Mr. McCabe advised that a meeting of the Committee had been arranged for December 7, 2010.

PRIVATE AND CONFIDENTIAL (Item 12)

Paul DeMelo advised Committee that he was withdrawing his request to speak to Committee on the Empire Communities matter.

Mike Kovacevic advised that there was no need to consider the Brow Lands development in Closed Session, as Committee had already made a decision on it.

On a Motion (Pasuta / Pearson), Committee moved into Closed Session at 1:00 pm to consider three items which are before the OMB and subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City and are with respect to:

12.1 MC2 Homes, 203 Parkside Drive Waterdown 25T 200709, ZAC-07-60

12.2 Setting Sail, West Harbour, Regional Official Plan Amendment 23, Official Plan Amendment 198, By-law 05-073

12.3 22 Green Mountain Road West – Empire Communities (ZAC-08-026)

Committee reconvened in Open Session at 2:00 pm.
(i) **MC2 Homes, 203 Parkside Drive Waterdown 25T 200709, ZAC- 07-60 (Item 12.1)**

The Chair advised that Committee had met in Closed Session to receive advice from legal counsel respecting this OMB Hearing. Committee approved the staff recommendation (See Item 18).

(ii) **Setting Sail, West Harbour, Regional Official Plan Amendment 23, Official Plan Amendment 198, By-law 05-073 (Item 12.2)**

The Chair advised that Committee had met in Closed Session to receive advice from legal counsel respecting this OMB Hearing. There is nothing further to report at this stage.

(iii) **22 Green Mountain Road West – Empire Communities (ZAC0\-08-026) (Item 12.3)**

The Chair advised that Committee had met in Closed Session to receive advice from legal counsel respecting this OMB Hearing.

An amendment was proposed and accepted, respecting the inclusion in all offers of purchase and sale, and on title, of a warning clause in all offers of purchase and sale, on title, respecting potential interference from the adjacent operations with phone lines and other electronic devices.

Councillor Whitehead, seconded by Councillor Mitchell, proposed an amendment to require a 120 meter setback of all residential from the adjacent Hamilton Teleport. The amendment lost.

Committee approved the staff recommendation, as amended. Councillors Duvall and Whitehead requested that their opposition be recorded (See Item 19).

(v) **ADJOURNMENT (Item 13)**

On a Motion (Pearson/Duvall) the meeting adjourned at 3:10 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

**Council – September 29, 2010**
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
September 21, 2010