Economic Development and Planning Committee

AMENDED REPORT 07-006
April 3, 2007
9:30 a.m.
Council Chambers
Hamilton City Hall

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

Staff Present: L. Coveyduck, General Manager - Planning and
Development
T. McCabe, P. Mallard, E. John, T. Sergi, B. Farkas,
B. Montgomery, A. Fletcher, D. Samis, R. Walters,
D. Cuming – Planning and Development
N. Everson – Economic Development
A. Rawlings – City Clerk’s Office

AT THEIR MEETING OF APRIL 11, 2007, COUNCIL AMENDED ITEMS 10 AND 12,
AS NOTED BELOW:

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 07-006 AND RESPECTFULLY RECOMMENDS:

1. Committee of Adjustment (Urban) Minor Variance Application FL/A-06:335
for the Property Known as 115 Victoria Street, Flamborough - Supported by
the Planning and Economic Development Department (PED07106) (Ward 15)
(Item 5.1)

That Report PED07106 respecting Committee of Adjustment Severance Application
FL/A-06:335 for the property known as 115 Victoria Street, Flamborough, as shown on
Appendix “A” to Report PED07106, denied by the Committee of Adjustment but
supported by the Planning and Economic Development Department, be received for
information.

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2. Demolition Permit – 1790 Highway 6 (Dundas) (PED07115) (Ward 13) (Item 5.2)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 1790 Highway 6 in accordance with By-Law 3499-84 pursuant to Section 33 of The Planning Act as amended.

3. Demolition Permit – 24 Division Street (PED07116) (Ward 4) (Item 5.3)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 24 Division Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

4. Cleanliness Task Force Minutes of March 16, 2007 (Item 5.4(a))

That the Cleanliness Task Force Minutes dated March 16, 2007 be received.

5. Changes in Zoning for Lands Located at 477 Dundas Street East, (Flamborough) (PED07088) (Ward 15) (Item 6.1)

That approval be given to Zoning Application ZAC-06-73, Keith Johnson & UpCountry Estates, owners, to change the zoning from the Agricultural “A” Zone to the Urban Commercial - Holding “UC(H)” Zone (Block “1”), and from the Urban Development – Holding “UD(H)” Zone to the Urban Commercial – Holding “UC(H)” Zone (Block “2”), to permit a broad range of commercial uses including retail establishments, restaurants and service uses, and apartment units with commercial uses, for lands located at 477 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED07088, on the following basis:

(a) That Block “1” be rezoned from the Agricultural “A” Zone to the Urban Commercial – Holding “UC(H)” Zone.

(b) That Block “2” be rezoned from the Urban Development – Holding “UD(H)” Zone to the Urban Commercial – Holding “UC(H)” Zone.

(c) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to Blocks “1” and “2”, by introducing the Holding
symbol ‘H’ as a suffix to the proposed zoning. The Holding provision will prohibit the development of the subject lands until such time as:

(i) An Archaeological Assessment has been submitted to the satisfaction of the City of Hamilton’s Manager of Development Planning and the Ministry of Culture.

(ii) Adequate services are provided to the satisfaction of City of Hamilton’s Manager of Development Engineering.

(d) That the draft By-law, attached as Appendix “B” to Report PED07088, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan.

6. City Initiative CI-07-A – Housekeeping Amendments for New Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Formulae and Deemed Street Widths Within Glanbrook (PED07086) (Wards 9, 11, 12, 14 and 15) (Item 6.2)

(a) That approval be given to City Initiative CI-07-A to:

(i) amend the Town of Ancaster, Town of Flamborough, Township of Glanbrook, City of Stoney Creek Zoning By-laws respecting consistency of wording for the Ministry of Agriculture and Rural Affairs Minimum Distance Separation Formulae; and,

(ii) to amend the Township of Glanbrook Zoning By-law respecting a change in the minimum deemed widths of streets.

(b) That the attached Zoning By-law, attached as Appendix “A” to Report PED07086, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed zoning is in conformity with the Official Plans for the Region of Hamilton-Wentworth, Town of Ancaster, Town of Flamborough, Township of Glanbrook and City of Stoney Creek.
7. **City Initiative CI-07-B – Housekeeping Amendment to Comprehensive Zoning By-law, Addition of Zoning Maps for Entire Urban Area (PED07093) (City Wide) (Item 6.3)**

(a) That Approval be given to **City Initiative CI-07-B** to amend the City’s Comprehensive Zoning By-law, known as Zoning By-law 05-200, to include all zoning maps covering the entire urban area, attached as Appendix “A” to Report PED07093.

(b) That the attached Zoning By-law, attached as Appendix “A” to Report PED07093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

8. **Economic Development 2006 Highlights (PED07114) (City Wide) (Item 7.2)**

That Report PED07114 respecting Economic Development 2006 Highlights be received for information.

9. **Application for a Modification in Zoning for Lands Located at 205 John Street South (PED07062) (Ward 2) (Item 8.1)**

That approval be given to **Zoning Application ZAR-06-85, Nicola and Franca Runco, owners**, for a modification to the “H” (Community Shopping and Commercial, etc.) District, to permit an auto-body repair and paint shop as an additional permitted use, for lands located at 205 John Street South, as shown on Appendix "A" to Report PED07062, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07062, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee; and,

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
AT THEIR MEETING OF APRIL 11, 2007, COUNCIL AMENDED ITEM 10, BY ADDING AN ADDITIONAL SUB-SECTION;

10. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 639 Rymal Road West (PED07039) (Ward 8) (Item 8.2)

That approval be given to Amended Zoning Application ZAC-06-64, Thomas Sullivan, Martin Sullivan and Lynda Campbell, owners, for a change in zoning from the “AA” (Agricultural) District to the “C”-‘H’ (Urban Protected Residential, etc. – Holding) District, to permit the development of five single detached dwellings on separate lots, for the property located at 639 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07039, on the following basis:

(a) That the subject lands be rezoned from the “AA” (Agricultural) District to the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District.

(b) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to the subject lands, by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time that:

i) The owner/applicant conducts an archaeological assessment of the entire development property and mitigates, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to approval from the City of Hamilton’s Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

ii) The owner/applicant investigates the noise levels on the site and determines the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Development and Real Estate; and,

iii) Sufficient capacity of the municipal sanitary sewer system is available for the proposed development to the satisfaction of the Manager of Development Engineering.
(iv) A second access to the subdivision to the south has been constructed or until 12 months has elapsed from the date of Council approval, whichever comes first.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “C” District provisions, by enactment of an amending By-law once the conditions are satisfied.

(c) That the draft By-law, attached as Appendix “B” to Report PED07039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(d) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

11. St. Mark’s Church Feasibility Study (PED07111 / PW07037) – (City Wide) (Added Item 11.1)

That Committee re-affirm their original position of March 20, 2007, respecting the subject report;

(a) That the findings of the Feasibility Study, dated February 6, 2007, entitled St. Mark’s Church – Community Services Feasibility Study Findings, attached as Appendix “A” to Report PED07111 / PW07037, be received.

(b) That St. Mark’s Church no longer be considered as a viable alternative to accommodate the Community Services Department.

(c) That St. Mark’s Church be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(d) That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use in the form of an adaptive re-use of the existing Church (with the exception of the Sunday school portion, which is in a dilapidated state) and potential for increased value through rezoning to allow additional permitted uses, prior to disposal of the subject site. Such additional uses will be compatible with the surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.

(e) That subsequent to completing the rezoning process, the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to tender the sale of St. Mark’s Church through the
issuance of a Request for Proposal, located at 130 Bay Street South, pursuant to
the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(f) That if no interest has been expressed for the subject property through the
issuance of the Request for Proposal, that staff report back to Council on the
future disposition of the site.

(g) That this Report be forwarded to the Municipal Heritage Committee for
information.

AT THEIR MEETING OF APRIL 11, 2007, COUNCIL AMENDED ITEM 12, AS NOTED
BELOW:

12. Steel Committee (Added Item)

(a) That the Steel Committee be re-constituted immediately, and that the Committee
shall be composed of four members of Council, assisted by appropriate senior
staff, including representatives from Economic Development and Corporate
Services, and a representative from the Mayor’s Office;

b) That Councillors C. Collins, S. Duvall, B. McHattie and T. Whitehead be
appointed to serve on the Steel Committee.

(b) That four members of Council be appointed by Council at their meeting of April
11, 2007;

(c) And that a meeting be convened as soon as possible, with Hamilton Specialty
Bar as the first item of discussion.

13. Exemption from the Planning Act of Wind Turbines and Other Energy
Initiatives (Item 8.3)

(a) That the City of Hamilton endorse and support the Resolution of the
Municipality of Arran-Elderslie respecting their opposition to Section 24 of
Bill 51, which exempts undertakings related to energy from the Planning
Act; and

(b) That the City of Hamilton formally advises the Minister of its objection to
Section 24 of Bill 51 which exempts undertakings related to energy from
the Planning Act; and

(d) That the Clerk be directed to forward the appropriate correspondence to
the Municipality of Arran-Elderslie, and to forward a copy of Report

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PED06421 to the Ministry of Municipal Affairs and Housing, the Minister of Municipal Affairs and Housing, all local Members of Provincial Parliament, and AMO, to re-affirm the City’s formal response to Bill 51, as related to the exemption of undertakings related to energy from the Planning Act; and

(e) That this item be removed from the Outstanding Business List.

14. Proposed Right-Turn Lane at Upper Paradise/Rymal (Added Item)

That Public Works Committee be requested to consider the inclusion in their capital budget of a dedicated northbound right-turn lane at the Upper Paradise/Rymal intersection.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

The Clerk advised of the following changes:

(i) Three added delegation requests, which have been added as Items 4.1, 4.2 and 4.3

(ii) The addition as Item 11.1 of the report respecting St. Mark’s Feasibility Study (PED07111 / PW07037) which was referred back to Committee by Council.

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Delegation Requests

(i) Tom Sullivan and Brian Duxbury, respecting Item 8.2, 639 Rymal Road West.

Committee approved the delegation to speak today during the consideration of Item 8.2
(ii) Grant Head, Heritage Watch Hamilton, respecting Item 7.1, Auchmar Estates.

Committee approved the delegation to speak today, during the consideration of Item 7.1.

(iii) Judi Partridge, respecting SISO, respecting Item 7.1, Auchmar Estates.

Committee approved the delegation to speak today, during the consideration of Item 7.1.

(d) Changes in Zoning for Lands Located at 477 Dundas Street East, (Flamborough) (PED07088) (Ward 15) (Item 6.1)

A Public Meeting was held.

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

David Samis outlined the report to Committee.

Sam Head, agent for the developer, addressed Committee in support of the staff recommendation. He explained that his client intended to develop the site as a furniture store.

Chair Mitchell advised that the Ward Councillor, Councillor McCarthy, supported the rezoning application.

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

Committee approved the staff recommendation.

(e) City Initiative CI-07-A – Housekeeping Amendments for New Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Formulae and Deemed Street Widths Within Glanbrook (PED07086) (Wards 9, 11, 12, 14 and 15) (Item 6.2)
A Public Meeting was held.

Chair Mitchell advised the meeting that, pursuant to the Planning Act, the following statements apply:

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 is approved and/or Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Al Fletcher outlined the report to Committee.

Chair Mitchell confirmed that there was no outside agent, as this is a City Initiative.

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

Committee approved the staff recommendation.

(f) City Initiative CI-07-B – Housekeeping Amendment to Comprehensive Zoning By-law, Addition of Zoning Maps for Entire Urban Area (PED07093) (City Wide) (Item 6.3)

A Public Meeting was held.

Chair Mitchell advised the meeting that, pursuant to the Planning Act, the following statements apply:

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 is approved and/or Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of
Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Al Fletcher outlined the report to Committee.

Chair Mitchell advised that there was no outside agent to address Committee as this is a City Initiative.

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

Committee approved the staff recommendation.

(g) **Auchmar Estates, 88 Fennell Avenue West, Hamilton (PED07118) (Ward 7)** (Item 7.1)

Bill Farkas gave an introduction to the staff report.

David Cuming provided a powerpoint presentation, and highlighted the different re-use options which staff has developed for the site.

As a friendly amendment to the staff recommendation, Committee agreed that within subsection (c) the word "tender" should be replaced with the word "pursue".

Grant Head, Heritage Watch Hamilton, addressed Committee and expressed a number of concerns with the staff report and the direction in which Council was going. He noted the unique importance of Auchmar, to the City and beyond, and suggested that the Ontario Heritage Trust would not approve the changes being proposed.

Judi Partridge, SISO, addressed Committee and provided written documentation outlining her organization’s interest in, and proposals for, the Auchmar Estates. Ms. Partridge advised that SISO’s proposal is to use the site as a reception centre for immigrants and refugees, with offices and meeting rooms in the restored manor house. She explained that SISO were hoping for Federal and Provincial funding support, and outlined the historical tie-ins to the proposal.

Ms. Partridge also noted support from Mohawk College, respecting the use of meeting rooms in the manor, and support from the Chamber of Commerce. She requested the Committee’s prompt consideration of the SISO proposal.
On a Motion (Pearson/Ferguson) Committee agreed to hear from Joanne McCallum, Sather McCallum Architects, and Morteza Jafarpour, SISO.

Ms. McCallum addressed Committee and outlined how some of the existing Auchmar buildings could be restored to provide an elegant fit with the SISO proposal. The manor would provide meeting rooms on the main floor with offices on the upper floor. The coach house could be adapted for short term transitional housing, the area presently occupied by the Sanctuary could house future apartment-type housing, and the open space on the site could be used by SISO and by the broader community.

Morteza Jafarpour, SISO, addressed Committee and explained how SISO is hoping to access Federal and Provincial funding to upgrade, restore and re-use the Auchmar Estate. He requested that SISO be given a year to pursue the funding, during which time they could establish an office in the building.

Committee discussed the issue and had additional information supplied by the speakers and by staff. Committee members expressed support for consideration of the SISO initiative, and noted that other community groups should also be given an opportunity to participate.

By Motion (McHattie/Whitehead) Committee approved the following:

(i) That the staff report PED07118 respecting Auchmar Estates, 88 Fennell Avenue West, BE TABLED to the Economic Development and Planning Committee of May 8, 2007 and that staff take that opportunity to engage in discussions with Heritage Watch Hamilton ad SISO; and

(ii) That staff report PED07118 be forwarded to the Municipal Heritage Committee for information; and

(iii) That Committee be offered a tour of Auchmar prior to the matter coming back to Economic Development and Planning on May 8, 2007.

The tabling Motion was opposed by Councillors Pearson and Clark.

Committee confirmed that staff is not being directed to enter into negotiations with SISO, but is to discuss the issues raised today, by both Mr. Head and SISO.

(h) Economic Development 2006 Highlights (PED07114) (City Wide) (Item 7.2)

With the aid of a powerpoint presentation, Neil Everson provided an overview of the highlights of the year, 2006. In addition to the report which had been circulated as part of the Committee Agenda, Mr. Everson provided a second report to Committee, entitled McMaster Innovation Park.
Mr. Everson commended his staff for their work.

Committee discussed the report and had additional information provided by staff.

Members of Committee praised Mr. Everson and his staff for their continued work in the area of economic development.

Committee received the staff report.

On a Motion (Clark/Pearson) staff was directed to report back to Committee respecting the possibility of an urban boundary expansion along Upper Centennial Parkway, in the Elfrida Commercial Node area, to permit commercial development along the opposite side of Upper Centennial Parkway.

On a Motion (McHattie/Whitehead) Committee voted to reconvene immediately the Steel Committee, and to make the consideration of the Specialty Bar issue its first priority.

(i) **Green Venture respecting their proposed activities in 2007 (Item 7.3)**

Brian Montgomery was present to assist Committee with the Green Venture presentation.

Heather Donison, Green Venture, provided Committee with an overview of their proposed activities for the coming year. Ms. Donison confirmed that the budget request had already been dealt with by Committee, and that today’s presentation was to provide an overview of the work carried out by Green Venture. She encouraged the Committee members to contact her for further information on any of the Green Venture projects, and thanked Committee for their support.

The Chair thanked Ms. Donison for her presentation.

On a Motion (Pasuta/Bratina), Committee received the presentation.

(j) **Application for a Modification in Zoning for Lands Located at 205 John Street South (PED07062) (Ward 2) (Item 8.1)**

Edward John was present to assist Committee with the application.

Committee was advised that Councillor Bratina was now satisfied with the application.
Committee approved the staff recommendation.

(k) Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 639 Rymal Road West (PED07039) (Ward 8) (Item 8.2)

Councillor Whitehead provided an overview of the existing traffic problems in this area, and the continuing concerns of the residents and their desire for a permanent, second access to the subdivision. He expressed concerns about the emergency access to the subdivision.

Staff advised that contact had been made with the owner of the property to the east, where a second access will eventually be provided, but that the owner had no immediate plans to develop the area.

Tom Sullivan, one of the applicants, and his lawyer, Brian Duxbury, addressed Committee in support of the subject application. Mr. Duxbury explained that the subject development represented a good infill project. He noted that the application would not have any further impact on the traffic issues in the area, and that it was not within his client’s power to provide a second access. He requested that the Committee approve the application.

Committee discussed the matter and had additional information supplied by the delegation and by staff. Staff confirmed that they supported the rezoning and that the traffic department had advised that there were no traffic issues raised by the proposal, and that the situation in the area did not yet warrant a dedicated right turn lane, or any other traffic measures.

Committee continued discussion on the item, and staff confirmed that from a technical perspective, there was no traffic reason to change the access roads in the area. Councillor Whitehead expressed the ongoing concerns of residents regarding the traffic situation.

Committee approved the staff recommendation. Councillors Whitehead and McHattie requested their opposition be recorded.

(I) St. Mark’s Church (Added Item 11.1)

Committee considered the matter and then re-confirmed their previous position on the staff recommendation.

(m) Wind Turbines (Item 8.3)
Paul Mallard provided an overview of the matter to Committee. Committee was advised that a letter from the Municipality of Arran-Elderslie, respecting the exemption of undertakings related to “energy” from the Planning Act, had been referred from Council.

Mr. Mallard advised that City Planning staff, together with other municipal planning staff across the Province, had expressed concerns about the proposed exemptions when Bill 51 was under discussion, and had requested the Province to amend the Bill. However, when Bill 51 was passed, the exemptions were not removed. Mr. Mallard explained that while regulations under this section of the Act were not yet published, the Act will exempt projects such as Liberty Energy and Wind Turbines from municipal approval. Mr. Mallard added that the large wind turbine at the CNE would not require approval.

Committee discussed the issues and staff confirmed that these matters had been included in the staff report approved by Council in October 2006, and sent to the Ministry.

Committee supported the Resolution of the Municipality of Arran-Elderslie, and directed that staff also re-send our previous comments to the Minister, and the local MPPs.

(n) Adjournment

On a Motion, the Economic Development and Planning Committee adjourned at 1:10 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
April 3, 2007