Economic Development and Planning Committee
MINUTES 10-011
Tuesday, May 18, 2010
9:30 am
Continental Express Room
LIUNA Station
360 James Street North
Hamilton, Ontario

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

Absent: Councillor B. Clark - Personal Business

Staff Present: T. McCabe, General Manager – Planning and Economic Development
T. Sergi, M. Hazell, P. Mallard, J. Spolnik, M. House,
B. Janssen, G. Paparella, J. Lane, J. Caetano, J. Muto,
M. Blevins, S. Robichaud, K. Mihaljevic, E. John, S. Bailey
- Planning and Economic Development
U. Ehrenberg – Public Works
R. Sabo, M. Kovacevic – Legal Services
A. Rawlings, A. Davenport – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-10:26 and Minor Variance Application HM/A-10:54, Herman Turkstra (Owner), 545 Beach Boulevard (Hamilton) (PED10106) (Ward 5) (Item 5.1) (McHattie/Duvall)
That Council agrees to the following actions, as detailed in Report PED10106, respecting the appeal of City of Hamilton Committee of Adjustment Consent/Land Severance Application HM/B-10:26, and Minor Variance Application HM/A-10:54 (Herman Turkstra), 545 Beach Boulevard, Hamilton, as shown on Appendix “A” to Report PED10106, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:
(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decisions of the Committee of Adjustment to approve Applications HM/B-10:26 and HM/A-10:54.

(b) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing.

CARRIED

2. **Conversion Without Building Permits of Single Detached Houses to Student Houses (PED10097) (City Wide) (Outstanding Business List Item) (Item 5.2)**
   (Bratina/Pearson)
   That Report PED10097, Conversion Without Building Permits of Single Detached Houses to Student Houses (PED10097) (City Wide) (Outstanding Business List Item), be received for information.

CARRIED

3. **Applications for Approval of an Official Plan Amendment and Change in Zoning for Lands Located at 1031 Highway 52 North, Copetown (Ancaster) (PED08193) (PED08193(a)) (Ward 14) (Item 6.1)**
   (McHattie/Bratina)
   That Official Plan Amendment Application OPA-07-019, Copetown Lions Development Association, Owner, to exempt the subject lands from various Policies of the Ancaster Official Plan, and Zoning Application ZAC-07-076, Copetown Lions Development Association, Owner, to change the zoning from the Agricultural “A” Zone to the Residential Multiple “RM3” Zone, Modified, to permit the development of the subject lands for 42 Multiple Residential units on communal services, for lands located at 1031 Highway 52 N, Copetown, as shown on Appendix “A” to Report PED08193, be denied on the following basis:

(a) That the principle of development has yet to be established through submission of the necessary supporting technical information. The proposal for any form of residential development is, therefore, premature based on insufficient technical and environmental studies required to justify the proposal with respect to servicing and protection of natural heritage features, as deemed necessary in the Provincial Policy Statement, Hamilton-Wentworth Official Plan and Ancaster Official Plan.

(b) That the type and form of development proposed does not conform and is inconsistent with the intent of the Ancaster Official Plan.

(c) That the type and form of development proposed does not conform and is inconsistent with the intent of the Rural Hamilton Official Plan.
(d) That the type and form of development proposed is contrary to the Water and Wastewater Management Master Plan.

(e) That the type and form of development proposed is incompatible with existing and planned uses in the immediate area.

(f) That the proposal does not represent good land use planning.

(g) That Report PED08193(a), Applications for Approval of an Official Plan Amendment and Change in Zoning for Lands Located at 1031 Highway 52 North, Copetown (Ancaster) (PED08193(a)), be received for information.

CARRIED

4. By-law to Prohibit and Regulate Fortification and Protective Elements of Land (PED10011(a)) (City Wide) (Outstanding Business List Item) (Item 6.2) (McHattie/Pasuta)

(a) That the Draft By-law, attached as Appendix A to Report PED10011(a), respecting the Prohibition and Regulation of Fortification and Protective Elements of land be enacted; and,

(b) That a fee be paid to the City with an application for exemption under the Draft By-law in Appendix A to report PED10011(a) and be set at the following rates:

   $50.00 for applications pertaining to single family dwellings and properties operated by not-for-profit organizations;

   $300.00 for all other applications; and,

that the appropriate By-law be enacted to include the fee in the City's 2010 User Fees and Charges By-law.

(c) That the “By-law to Prohibit and Regulate Fortification and Protective Elements of Land” be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

CARRIED

5. Application for Approval of an Official Plan Amendment at Lands Located on 878 Concession 8 West (Flamborough) (PED10102) (Ward 14) (Item 6.3) (Pasuta/Pearson)

That approval be given to Official Plan Amendment Application OPA-09-015, Annette and Steven Brennan, Owners, for Official Plan Amendment No._____, to amend Schedule “B-7” of the Town of Flamborough Official Plan, to expand the “Rural Settlement Area” designation, in order to facilitate a severance, on lands located at 878 Concession 8 West (Flamborough), as shown on Appendix “A” to Report PED10102, on the following basis:
(a) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10102, be adopted by City Council.

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

(c) And that the Official Plan Amendment application fee, in the amount of $9,620 be refunded to the applicant.

CARRIED

6. Amended Application for a Change in Zoning for Lands Located at 195 Locke Street South (Hamilton) (PED10109) (Ward 1) (Item 6.4)

(McHattie/Whitehead)
That approval be given to Amended Zoning Application ZAR-04-097, by Sandra Sergio, Owner, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the “H/S-1631 (Community Shopping and Commercial, etc.) District, Modified, with a Special Exception, to permit retail and business office uses on the main floor and a dwelling unit above, for the lands located at 195 Locke Street South (Hamilton), as shown on Appendix “A” to Report PED10109, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10109, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law be added to Map No. W-13 of Zoning By-law No. 6593;

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan; and,

(d) That upon finalization of the implementing By-law, the Kirkendall North Neighbourhood Plan be amended by changing the designation of the subject lands from “Single and Double” Residential to “Commercial and Low Density Residential”.

CARRIED

7. Application for a Change in Zoning for Lands Located at 104 King Street West, Dundas (PED10110) (Ward 13) (Item 6.5)

(Pearson/Whitehead)
That approval be given to Zoning Application ZAC-10-004, by 1612464 Ontario Limited, c/o Len Medeiros, Owner, for a change in zoning from the Public and Private Service (P.P.S.) Zone to the Central Area Commercial (C.A.C./S-119) Zone, Modified, with a Special Exception, to permit a range of commercial uses for lands located at 104 King Street West (Dundas), as shown on Appendix “A” to Report PED10110, on the
following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10110, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law be added to Schedule "A" of Zoning By-law No. 3581-86; and,

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.  

CARRIED

8. Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 - Taxicab Priority List (PED10114) (City Wide) (Item 6.7)  
(Pearson/Whitehead)  
(a) That approval be given to revise the City’s Taxicab Priority List, as shown in Appendix "A" to Report PED10114 by:

   (i) Removing the names of Walid Chafic, Hannibal Rizzuto, and Stan Krok who each received one new taxicab owner licence in 2009 from the 2008 Taxicab Priority list.

   (ii) Removing the name of John C. MacDonald who no longer meets the requirements to remain on the Taxicab Priority List.

(b) That the next three individuals on the 2009 Taxicab Priority List be invited to submit an application for new taxicab owner licenses.

(c) That the by-law attached as Appendix "B" to Report PED10114, which has been prepared in a form satisfactory to the City Solicitor, be passed by City Council.

CARRIED

9. Proposed Improvements to the Yard Waste and Maintenance By-law (PED10112) (City Wide) (Item 6.8)  
(McHattie/Pearson)  
(a) That improvements to the Yard Waste and Maintenance By-law as detailed in Report PED10112 to provide for more efficient and effective enforcement of infractions related to litter, yard waste and yard maintenance and including new provisions for the removal of graffiti from buildings/structures/fences, waste diversion and yard naturalization be approved.

(b) That the by-law attached as Appendix “A” to Report PED10114, and as amended by Committee on May 18, 2010, as shown below, which has been prepared in a form satisfactory to the City Solicitor and which repeals and replaces By-law No.
03-118 being a by-law to regulate exterior property maintenance including litter, yard waste and yard maintenance, be passed.

(i) That Section 4(5) (a) (v) be amended to require that waste storage containers be kept in backyards only

(ii) That Section 4(6) be deleted.

CARRIED

10. Process Review - Vacant Building Protocol (PED09031(b)) (City Wide) (Item 7.1)
(Bratina/Whitehead)
(a) That Report PED09031(b) titled “Process Review - Vacant Building Protocol” be received.

(b) That staff be directed to conduct a comprehensive investigation into the creation of a Vacant Building Registry By-Law, including an assessment of the staff resources required and appropriate fees for cost-recovery.

CARRIED

11. Staffing Levels and Building Permit Fee Review of the Building Services Division (PED10050(a)) (City Wide) (Item 7.2)
(McHattie/Whitehead)
(a) That the By-law attached to Report PED10050(a) as Appendix “A” to amend City of Hamilton By-law 08-161, being a By-law prescribing permit fees for building permit applications and related matters, be enacted.

(b) That the fees prescribed in the By-law attached to Report PED10050(a) as Appendix "A" be included as an amendment to the 2010 User Fees and Charges By-law.

(c) Subject to the Economic Development and Planning Committee holding a Public Meeting as required by the Building Code Act, that permit fees be adjusted in January of every year to reflect budgetary increases in the costs of operations.

(d) That staff be directed to review Zoning Verification and Property Report fees to ensure full cost recovery in order to mitigate the effects of re-allocation of staff from the Building Enterprise Model to the general levy.

CARRIED
12. Heritage Permit Application (HP2010-024) Under Part IV of the Ontario Heritage Act for the Installation of an LCD Monitor in the Second Floor Lobby at 71 Main Street West, Hamilton (Hamilton City Hall) (PED10107) (Ward 2) (Item 8.1)

(Pearson/Pasuta)
That approval be given to Heritage Permit (HP2010-024), by City of Hamilton Public Works Department, to permit the installation of an LCD monitor in the second floor lobby at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A”, subject to the following condition:

(a) That installation of the monitor, in accordance with this approval, shall be completed no later than June 30, 2010. If the alterations are not completed by June 30, 2010, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

13. Greening of municipal parking lots (Item 9.3) (McHattie/Pasuta)
(a) That staff be directed to report back on greening surface parking lots under the City’s control (ie. municipal lots, parks, recreation centres, seniors’ homes, arena lots etc.);

(b) That the report be referred to Committee of the Whole.

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- two added delegation requests, to speak today, added as Items 4.2 and 4.3 and copies distributed

- added letter from the Hamilton Beach Community Council, distributed at the request of the Ward Councillor, Councillor Collins.

Committee approved the Agenda, as amended.
(b) DECLARATIONS OF INTEREST (Item 2)

Chair Ferguson declared an interest in Item 6.7, as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) The Minutes of the Economic Development and Planning Committee meeting of April 27, 2010 were approved, as presented.

(ii) The Minutes of the Economic Development and Planning Committee meeting of May 4, 2010 were approved, as presented.

(d) Delegation requests

(i) Ed Fothergill, respecting 1031 Highway 52 North, Copetown (Ancaster) (PED08193(a)) (Ward 14) Item 6.1 (Item 4.1)

On a Motion, Committee approved this delegation, composed of Ed Fothergill, Doug Barker and Bill Shewfelt, to speak today.

(ii) Herman Turkstra, respecting 545 Beach Boulevard

On a Motion, Committee approved this delegation, composed of Herman Turkstra and Ed Fothergill, to speak today.

(iii) Michael Mogavero, respecting 1031 Highway 52 North, Copetown (Ancaster) (PED08193(a)) (Ward 14) Item 6.1 (Item 4.1)

On a Motion, Committee approved this delegation, to speak today.

(e) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-10:26 and Minor Variance Application HM/A-10:54, Herman Turkstra (Owner), 545 Beach Boulevard (Hamilton) (PED10106) (Ward 5) (Item 5.1)

Matthew Blevins provided an overview of the staff report, with the aid of a powerpoint presentation. His points included, but were not limited to, the following:

- analysis of lot size in surrounding area shows proposed lots are inconsistent with lot sizes in this block, too small
- proposed two lots are not in accord with Beach Neighbourhood or Official Plan since this area has larger homes and lots, or Hamilton Official Plan
- Hamilton Conservation Authority has concerns respecting drainage, swales for new construction, not in support of severance application.

Herman Turkstra addressed Committee, in opposition to the staff recommendation to appeal the approval of the Committee of Adjustment decisions. With the aid of a powerpoint presentation, and three handouts to the Committee, he explained points including, but not limited to, the following:

- small homes are an appropriate form of infill, understands small homes
- property vacant when purchased, has talked to all neighbours and has their agreement, in writing
- when pre-consulted with staff, not told lot too small for severance
- Beach Strip characterized by variety of sizes of lots
- Aware of drainage plan requirement, aware of drainage issues along Beach Strip
- Requesting two, small homes, which will be compatible with area, aware that zoning allows construction of one, large house, or could build one house with an attached rental unit, but this would be less in keeping with area
- Aware of letter from Beach Strip Community Council, but talked to President and he does not have concerns
- No neighbours appeared in opposition at Committee of Adjustment meeting.

Ed Fothergill addressed Committee in support of the position put forward by Mr. Turkstra. His points included, but were not limited to, the following:

- intensification is an on-going issue, this is a mild form
- retained after Committee of Adjustment decision, has experience at OMB relating to infill issues, has been retained by City to support infill applications at OMB
- proposal for two houses more compatible with area than some of built forms zoning would allow

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

- apparent differences between information provided by Beach Community Council and information provided directly to applicant
- Beach Strip is an area of diversity in built form, unique neighbourhood
- Drainage issues a problem
- Neighbourhood Plan established with input from community
- Application will need a site plan, possibility exists of severance being approved, and then site plan application being refused, if drainage arrangements cannot be agreed.

Councillor Collins explained that Beach Community Council reviews applications in area, recommends against those not in conformity with Neighbourhood Plan.
Councillor Bratina suggested tabling the report pending further input from the public.

Committee approved the staff recommendation.

Councillors Bratina, Pasuta, Mitchell requested their opposition be recorded.

(f) Applications for Approval of an Official Plan Amendment and Change in Zoning for Lands Located at 1031 Highway 52 North, Copetown (Ancaster) (PED08193(a)) (Ward 14) (Item 6.1)

Edward John was present to assist Committee and gave an overview of the events which had occurred regarding the subject application, since the original staff report was presented to Committee in September, 2008. The points included, but were not limited to the following:

- servicing remains main issue, Committee had directed that applicant provide a Default Agreement respecting water supply
- various meetings with applicants, following staff letter outlining the requirements, including completion of comprehensive studies, to demonstrate capability of site for proposed use
- applicants have proposed an approval of land use with a Holding-H-zoning, to be lifted when final studies complete
- staff still consider application premature, until detailed studies show land is capable of development, when these are done, land use proposal can be considered
- report is intended to update Committee, that no agreement between parties has been reached in the eighteen months since Public Meetings
- not a typical application or site, conditions not typical, but required due to risk to City, if entire water system fails, City would have to assume it, huge risks involved

Bill Shewfelt, Copetown Lions, addressed Committee in support of the application. His points included, but were not limited to, the following:

- 65 year resident of Copetown, long-term member of Lions
- Lions has an extensive history of community projects and involvement, built ballfields, then built Community Centre, both given to Town of Ancaster, and transferred to Hamilton
- Also involved in fundraising for inner City school breakfast program
- Survey of area said senior housing needed, so determined to use remaining 7 acres of property for senior housing, will be life leases, income fixed, Lions won't make a cent from development.
Doug Barker, the applicant’s engineer, addressed Committee in favour of proposal. His points included but were not limited to, the following:

- experienced in rural development, private servicing systems
- completed preliminary functional engineering report
- outlined a work program
- not practical to do all detailed work on this kind of program, up front
- water is the main issue here
- Bill 237 is pending legislation, not in force yet
- Aware of recent well drilling in Copetown, they drilled 600’, did not hit bedrock, did not find water
- Lions have engaged a hydrogeologist, Bill Morrison, he says water is there, should be above 600’, tried drilling yesterday but did not find water
- We all want to get to a Default Agreement
- Private communal systems are used elsewhere
- Requested a deferral, until his group finds water.

Ed Fothergill, the applicant’s agent, addressed Committee. His comments included, but were not limited to, the following:

- requested that land use issue settled before all engineering studies are done, some studies already completed
- have not found water yet, should be at 60 metres
- in planning terms, communities should be “complete”, offer a full range of housing types for all ages, Copetown and other rural settlements need senior housing, this development would assist in addressing this need
- perhaps City could partner with Lions
- suggested deferral until the group has located water
- requested that staff would come back to Committee with report outlining conditions of Default Agreement
- advised that not reasonable to have final design upfront without any approval of land use, this is still a risk for Lions, $300,000 invested already.

Michael Mogavero, 933 Highway 52, addressed Committee in opposition to the proposal. His points included, but were not limited to, the following:

- nearest neighbour, his farm abuts south side of property, share pond across lot line
- Lions are great but never anticipated 42 townhouses adjacent to his property
- Copetown has no water, well-known fact
- Don’t look at Lions wishing to build, consider it as a developer proposing 42 units
- Concern about above-ground sewage treatment plant
- Concern about environment existing species on the site
- Concern about added traffic on a busy road, added noise impacts
- Developer has had three years to plan, only drilled a well this week, has not shown they are capable of this development, appear very slow
- Submitted copy of his concerns for public record.

Ed Rose, 751 Highway 52, addressed Committee in opposition to the proposal. His points included, but were not limited to, the following:

- concern as a local resident, particularly about well-water supply, impact on local wells
- also speaking on behalf of Rob Williams who was unable to attend. Read Mr. Williams’ letter of concern
- copy of letter submitted for public record.

Brian Bonham, 45 East Avenue North, Hamilton, addressed Committee in opposition to the application. His points included, but were not limited to, the following:

- 20 year resident of lower City of Hamilton
- read prepared statement of concern, copy of which submitted for the public record
- in favour of staff recommendation to deny
- admires Lions and their work but thinks proposed land use is wrong for site.

Chris Krucker, 782 Highway 52, addressed Committee in opposition to the proposal. His points included, but were not limited to, the following:

- farms in area, concerns that water not available, water treatment issues also a concern
- adverse impact on wildlife
- inappropriate development, too big, adverse impacts on farming in area
- submitted copy of letters from Environment Hamilton and David Suzuki Foundation, both in opposition.

Gail Stewart, 62 Inksetter Road, Copetown, addressed Committee. Her points included, but were not limited to, the following:

- 25 year resident, appeared at Public Meeting September 2008, in opposition, still opposes development
- no complete application submitted, after all this time
- application should be resolved and refused
- read a letter from Gary Gable, an area resident who opposes development
- read a letter from Ken Justus, an area resident who opposes development
- both letters submitted for public record
- speaker supports planning report
- not compatible with area
- identity of developer should not be an issue in consideration of a development application, nor should people who are intended occupants of units
- want accountability, want application turned down now.

On a Motion (Pearson/Bratina), Committee received all the delegations and written submissions.

Committee discussed the points raised in detail, and had additional information supplied by staff. Points raised included:

- drilling very late in the process
- concerns about water supply, impacts on existing wells, long-term impacts of a communal system
- Copetown has never had good water supply
- Copetown Lions good organization, but issue is proposed development
- Developers have not advanced in last 18 months, in spite of Committee direction
- Developer wants an approval and a Holding on the by-law.

A Motion by Mitchell/Pearson to table the matter until September was lost.

On a Motion (McHattie/Bratina), Committee denied the application for the reasons stated in the staff report of September 2008, and received the Information Report. Councillors Pasuta, Mitchell and Pearson requested their opposition be recorded.

Mr. Shewfelt thanked the Committee and staff for all the time taken on the application and advised that the Copetown Lions still want to work on community needs, and will be back with a different proposal.

The Chair thanked Mr. Shewfelt.

Committee recessed for a lunch break at 1:10 pm and resumed at 1:45 pm.

(g) Application for Approval of an Official Plan Amendment at Lands Located on 878 Concession 8 West (Flamborough) (PED10102) (Ward 14) (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 zoning application 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 zoning application 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 (Pearson/Pasuta), Committee dispensed with the planner’s presentation.

Edward John was present to assist Committee.

John Ariens, IBI Group, the applicant’s agent, addressed Committee in support of the application. He noted that the applicant had been subject to serious delays, and requested that the cost of the Official Plan Amendment application be refunded.

Annette Brennan, the applicant, addressed Committee in support of the application. She thanked staff but noted that the delays had been a significant cost to her family and the family buying the other lot. Process started five years ago and had cost thousands of dollars. Need for a site-specific Official Plan Amendment, as new Rural Official Plan, which will include property in Settlement Area, not yet approved.

On a Motion (Pasuta/Pearson), Committee agreed that the Official Plan Amendment application fee, in the amount of $9620, be refunded, and that staff be directed to carry this out. Councillor McHattie requested his opposition be recorded.

No members of the public came forward to address Committee.

Committee discussed the issues raised, and noted the following:

- concern that waiving this fee could be a precedent, other properties could be in a similar position
- Councillor Mitchell advised that this application not similar to the Sepe application in Binbrook, not fair to compare the two.

Committee approved the staff recommendation, as amended.

(h) Amended Application for a Change in Zoning for Lands Located at 195 Locke Street South (Hamilton) (PED10109) (Ward 1) (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 zoning application 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 zoning application 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 (McHattie/Pearson), Committee dispensed with the planner’s presentation.

Kate Mihaljevic was present to assist Committee.

Fernando Puga, IBI Group, the applicant’s agent, addressed Committee in support of the application.

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

Committee approved the staff recommendation.

(i) Application for a Change in Zoning for Lands Located at 104 King Street West, Dundas (PED10110) (Ward 13) (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 zoning application 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 zoning application 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 (Pearson/Bratina), Committee dispensed with the planner’s presentation.

Kate Mihaljevic was present to assist Committee.

Sergio Manchia, IBI Group, the applicant’s agent, addressed Committee in support of the application. His points included, but were not limited to, the following:

- thanked staff for expediting the application, has only taken 90 days
- proposal is to improve building while maintaining heritage character, to be used for boutiques, offices, possibly yoga studio type uses in basement
- concerns that heritage easement should not be imposed now.

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

Committee approved the staff recommendation.

(j) Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for Lands Located at 9555 Airport Road West (Glanbrook) (PED10103) (Ward 11) (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 zoning application 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 zoning application 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.

Joe Muto was present to assist Committee and gave an overview of the application, with the aid of a powerpoint presentation. His points included, but were not limited to, the following:
- proposal is for a temporary, gravel surface parking lot, 779 spaces, 2.7 hectare area, under a Temporary Use By-law, for a maximum of 3 years, renewable after that for 3 years
- in conformity with applicable policies respecting airport.

James Webb, the applicant's agent, addressed Committee in support of the application. His points, included, but were not limited to, the following:

- additional parking proposed under Temporary Use By-law, part of Airport business plan
- three year term could be extended.

Guy Paparella explained that area designated as “airport reserve”, Tradeport had purchased it under a numbered company, intended to become part of airport property, over time. Tradeport still pursuing talks with Globespan, to resume flights possibly in 2011.

Joe Minor, 24 Sterling Street, addressed Committee. His points included, but were not limited to, the following:

- member of Hamiltonians for Progressive Development and Environment Hamilton, also speaking as an individual
- opposed to use, should not be going under Temporary Use By-law, as top soil will be scraped off and piled, process will remove land from agricultural use forever
- this process is pre-empting proper public process
- this is being applied for as a temporary use, but it will be permanent
- pre-empts public process for overall airport secondary plan
- submitted comments, 20 pages, on Airport Secondary Plan, but no response received
- disappointed with staff reports the report “cherry picks” sections from Provincial Policy statements which are useful to it, and ignores completely sections which are really relevant, and would not support this use, report contains inadequate analysis
- site outside Urban Boundary, this is an end-run on the relevant policies
- airport passenger volume is declining, no need for parking expansion
- not compatible with rural landscape
- if this is approved, becomes part of airport, they may wish to sell it to City later, at a higher price
- cautioned Committee not to approve application, please protect tax dollars of citizens
- Minutes of Settlement of previous appeals to OMB respecting airport require CLC to discuss all airport plans. But recent meeting cancelled, no further meeting scheduled, so this application not in accord with OMB ruling, City May be in contempt
Lynda Lukasik, 148 Oakland Drive, Hamilton, Executive Director of Environment Hamilton, addressed Committee. Her points included, but were not limited to, the following:

- shares Dr. Minor’s concerns on problems with the planning process being used
- what is justification for this use, report does not indicate that parking at airport is at or approaching capacity
- if it is for employees, has airport pursued HSR passes, use of airport bus route
- concerned about PPS and how the policies are stated in report, and other relevant ones are not, need for more information here.

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

Committee discussed the issues raised and asked various questions, including the following, which were answered by staff:

- why is extra parking needed? – Globespan wants to resume passenger service
- what is uptake on parking per day – no information on this
- airport personnel should be invited to answer these questions.

On a Motion (Whitehead/Bratina), the item was tabled with direction that representatives from Tradeport be invited to attend the next available meeting to respond to the matters raised.

(k) Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 - Taxicab Priority List (PED10114) (City Wide) (Item 6.7)

Chair Ferguson vacated the Chair to Councillor Bratina. The Chair advised that this was a Public Hearing, under the Municipal Act, and had been advertised in The Spectator.

Marty Hazell gave an overview of the report, the matter is one which is considered annually. Three licences are being recommended and one name is being removed from the list for non-payment of fees.

The clerk advised that five people had registered to speak, but since their concerns were of a more general nature, they had been invited to attend a Taxi Reform Sub-Committee Meeting.

No members of the public came forward to address Committee. Committee approved the staff recommendation. Chair Ferguson resumed the Chair.
(I) Proposed Improvements to the Yard Waste and Maintenance By-law (PED10112) (City Wide) (Item 8.2)

Marty Hazell gave an overview of the report and its recommendations.

The clerk advised that no-one had asked to speak to the issue.

A resident from Ward 1, Diane Field, was introduced by Councillor McHattie, and he explained that she had been working on naturalizing her front yard, while maintaining compliance with the various requirements. Councillor McHattie thanked Ms. Field for attending.

On a Motion (Pearson/Bratina), the staff recommendation was placed on the floor.

Committee discussed the matter and raised the following points:
- need to retain rear yard storage for garbage
- graffiti a major issue, difficult to define what it is, and what is not, it can be allowed where a homeowner has permitted it
- farm equipment storage, use of screening inoperative farm equipment and setbacks of machinery storage requires clarification
- Committee and staff will work off-line to improve wording respecting farm equipment storage, and make any required changes to the by-law, prior to Council.

Committee approved an Amendment (Pearson/McHattie) respecting the storage of garbage containers in rear yards only.

Committee noted a typo in the by-law, and directed staff to fix it.

Councillor Duvall continued to express concerns about how graffiti would be handled in the by-law, then moved a Motion, seconded by Councillor McHattie, proposing changes to the by-law.

Councillor Duvall then withdrew his Motion, and agreed that the by-law should proceed, and graffiti could be reviewed further by staff.

Committee approved the staff recommendation, as amended.

On a Motion (Duvall/McHattie), Committee directed that staff review the issue of graffiti and report back at a later time, and that the review should include details of the definition, and how other municipalities are dealing with the matter.
(m) Process Review - Vacant Building Protocol (PED09031(b)) (City Wide) (Item 7.1)

Marty Hazell gave an overview of the staff report with the aid of a powerpoint presentation. A copy of the handout was provided to Committee.

Chair Ferguson recognized Matt Jelly, and commended him on bringing forward his concerns and suggestions on vacant buildings.

Committee discussed the issue raised.

Tim McCabe noted that the report was a collaborative effort, between Marty Hazell’s group, John Spolnik and his team, and the Fire staff.

At the suggestion of Councillor Whitehead, Clerks was directed to review whether the City has taken a position and written to the Minister, respecting changes to the Assessment Act on vacant buildings.

On a Motion (Bratina/Whitehead), the staff recommendation was approved.

(n) Staffing Levels and Building Permit Fee Review of the Building Services Division (PED10050(a)) (City Wide) (Item 7.2)

Jorge Caetano gave an overview of the report. He noted the need to look at cost recovery in the fee levels, and the fact that the fees had not been increased for eight years. Mr. Caetano said that the HHHBA, Chamber of Commerce, and Realtors’ Association had been contacted regarding the recommendations. No comments had been received from these groups.

The clerk advised that Harry Stinson had requested to speak on the matter. Mr. Stinson was not present to address Committee.

Committee approved the staff recommendation.

(o) Heritage Permit Application (HP2010-024) Under Part IV of the Ontario Heritage Act for the Installation of an LCD Monitor in the Second Floor Lobby at 71 Main Street West, Hamilton (Hamilton City Hall) (PED10107) (Ward 2) (Item 8.1)

Meghan House provided details of the proposed installation. It was noted that the Municipal Heritage Committee had recommended against the installation.

Committee approved the staff recommendation.
(p) Motions (Item 9)

(i) Request for an Information Report where an application under the Planning Act has been appealed to the Ontario Municipal Board, based on the lack of a Council decision on the item

On a Motion (McHattie/Duvall) Committee approved the following direction to staff;

In cases where an applicant has appealed to the OMB based on the City not taking a position by the legislated timelines required under the Planning Act, that staff prepare an information report for Council.

(ii) Proposed discount on dog license fees for citizens who receive the disability tax credit

On a Motion (McHattie/Duvall) Committee approved the following direction to staff;

Whereas, the City of Hamilton currently provides discounted dog license fees for citizens who are over 65 years of age and receive a Government Disability Pension, and;

Whereas, citizens who receive a disability tax credit are equally disabled (and certified as such by a medical practitioner) but may not receive a Government Disability Pension (ie. such as those citizens who are permanently disabled but were self-employed and therefore did not have enough CPP contributions).

Now Therefore, Staff be requested to report back on a discount on dog license fees for citizens who receive the disability tax credit.

(iii) Greening of municipal parking lots

Councillor McHattie, seconded by Councillor Pasuta, moved the following Motion;

Whereas the City of Toronto has recently introduced draft guidelines for the greening of municipal parking lots, and;

Whereas the City of Hamilton owns a number of parking lots and can be a leader in this field within the city, and;
Whereas, a new municipal parking lot in the Locke Street area will require permeable surface and other innovative features due to its tight design environment.

Now Therefore,

That staff be directed to report back on greening surface parking lots under the City's control (ie. municipal lots, parks, recreation centres, seniors' homes, arena lots etc.)

Committee discussed the matter and agreed that as the issue spanned different departments, that the matter should be sent to COW, for their deliberation and direction to staff.

(q) Notices of Motion (Item 10)

None

(r) GENERAL INFORMATION (Item 11)

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

- development activity rising in first quarter of year
- final report on Brow Lands now finalized, Special Meeting on June 10, 2010

On a Motion (Whitehead/Pearson), Committee directed that the staff report be released early, in order to allow additional time for the public to read it.

(s) PRIVATE AND CONFIDENTIAL (Item 12)

None
(t) ADJOURNMENT (Item 13)

On a Motion (Pearson/Pasuta), the meeting adjourned at 4:05 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
May 18, 2010