The Economic Development and Planning Committee
REPORT 07-020
November 22, 2007
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer’s Lane
Hamilton, ON

Present: Chair D. Mitchell
2nd Vice-Chair M. Pearson

Councillors: B. Bratina, B. Clark, S. Duvall, R. Pasuta,
C. Collins

Absent with regrets: Councillors: T. Whitehead - FCM
B. McHattie - vacation
L. Ferguson - City business

Staff Present: T. McCabe, General Manager – Planning and Development
B. Janssen, J. Hickey-Evans, P. Mallard, R. Lee,
J. Morgante, J. D’Andrade, C. Thomas, K. West,
P. Delulio, J. Thompson, J. Spolnik – Planning and Development
E. Maloney – Downtown Renewal
A. Zuidema - Legal
A. Rawlings– City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 07-020 AND RESPECTFULLY RECOMMENDS:

1. Demolition Permit – 174 Mountain Park Avenue and 10 Summit Avenue
   (PD03160(a)) (Ward 7) (Item 5.1)

That the conditions for demolition of 174 Mountain Park Avenue and 10 Summit Avenue,
as set out in the Council resolutions dated August 13, 2003, be extended for a further one
year period such that the requirement to substantially complete the new
building be amended from two years to three years in accordance with By-Law 74-290
and pursuant to the authority given to Council for such extensions per Section 33 of The
Planning Act as amended.

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2. Demolition Permit – 328 Rymal Road West (PED07291) (Ward 8) (Item 5.2)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 328 Rymal Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

3. Demolition Permit – 150 East 38th Street (PED07292) (Ward 6) (Item 5.3)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 150 East 38th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

4. Appointment By-law under the Building Code Act (PED07075(a)) (City Wide) (Item 5.4)

That the By-law attached to Report PED07075(a) to repeal and replace City of Hamilton By-law No. 07-051, being a By-law to appoint a Chief Building Official, Deputies and Inspectors under Section 3 of the Building Code Act, 1992, be approved.

5. VON Hamilton - Brownfield Pilot Project Fund (PED07258) (City Wide) (Item 5.5)

(a) That VON Hamilton be approved for funding under the Municipal Acquisition and Partnership Program (MAPP - Brownfield Pilot Project) in the amount of $14,351.

(b) That the $14,351 be charged to Brownfield Capital Account No. 3620155102 which is funded from the 20% portion of increased assessment Environmental Remediation and Site Enhancement (ERASE) tax rebates.

6. Building and Licencing Division Operational Review Sub-Committee Report 07-002 (Item 5.6)

(a) Ontario Municipal Benchmarking Initiative (OMBI) Report – Standards and Licensing Related Functions (PED07165) (City Wide) (Item 4.1)

(b) Private Clubs Exempt from the Licensing Code By-law 06-213 (PED07155) (City Wide) (Item 4.2)

That Report PED07155 – Private Clubs Exempt from the Licensing Code By-law 06-213 be received.

(c) Operational Review of the Standards and Licensing Section Follow-Up Report on Staff Direction Item (iv) from Building and Licensing Division Operational Review Sub-Committee Meeting of February 13, 2007 (PED07131) (City Wide) (Item 4.3)

That Report PED070131 – Operational Review of the Standards and Licensing Section Follow-Up Report on Staff Direction Item (iv) from Building and Licensing Division Operational Review Sub-Committee Meeting of February 13, 2007, and Appendix A to Report PED070131 – Total Number of Licensed Establishments, be received.

(d) Status Report – Operational Review of the Standards & Licensing Section (PED07160) (City Wide) (Item 4.4)


(e) Conditions Imposed Upon City Issued Licenses by the City of Hamilton Licensing Committee – 2001-2007 (CL07006) (City Wide) (Item 4.5)

That Report CL07006 – Conditions Imposed Upon City Issued Licenses by the City of Hamilton Licensing Committee 2001-2007, and Appendix C to Report 07-002, be received.

7. Rural Official Plan Update (City Wide) (PED07132(a)) (Item 5.7)

That Report PED07132(a) Rural Official Plan Update (City Wide) be received for information.
8. **Request to the Minister of Municipal Affairs and Housing to expedite their decision on Hamilton’s Rural Official Plan**

Whereas the Planning Act requires circulation to First Nations on all Official Plan approvals dealing with lands within one kilometer of a reserve.

Whereas the lands under Hamilton’s Rural Official Plan are not within 1 kilometer.

Whereas on October 29, 2007, Provincial municipal staff met with the elected Council of Mississaugas of New Credit and no concerns were raised.

Therefore, be it resolved, that the Mayor send a letter to the Minister of Municipal Affairs and Housing asking the government to expedite their decision.

9. **Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 350 Concession Street (Hamilton) (PED07289) (Ward 7) (Item 6.2)**

That approval be given to **Condominium Conversion Application CDM-CONV-07-03, by 350 Concession Limited (c/o Effort Trust Company), Owner**, to establish a Draft Plan of Condominium for an existing 9 storey, 27-unit multiple dwelling with 27 parking space units, as red-lined revised, on lands located at 350 Concession Street (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED07289, subject to the following conditions:

(a) That this approval applies to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated October 1, 2007, as red-lined revised, showing a total of 27 apartment units and 27 parking space units, attached as Appendix “B” to Report PED07289.

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

   **Development Planning and Engineering:**

   (i) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

   (ii) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

   (iii) That the Owner shall submit a report in accordance with Section 9(4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the

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structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(iv) That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

Bell Canada:

(v) That the Owner covenants and agrees to provide the Director of Development Engineering with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), to provide adequate telecommunication service to the lands within the approved Draft Plan including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

10. Application for a Change in Zoning for Lands Located at 525 Parkdale Avenue North (Hamilton) (PED07287) (Ward 4) (Item 6.3)

That Zoning Application ZAR-07-044, by Greg Pupi, owner, for a modification to the “J” (Light and Limited Heavy Industry, etc.) District, to add a “Recycling Transfer Station” to the list of permitted uses for lands located at 525 Parkdale Avenue North (Hamilton), as shown on Appendix “A” to Report PED07287, be denied for the following reasons:

(a) That the proposal conflicts with the intent of the “Light Industrial” category in the City of Hamilton Official Plan.

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

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

11. Application to Amend the Hamilton Zoning By-law, for Property Located at 1 Hayden Street (PED07286) (Ward 7) (Item 6.4)

That approval be given to amended Zoning Application ZAR-07-033, Dr. Russel Grover, Owner, for a modification to the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to permit a dentist office within the existing building, for property located at 1 Hayden Street, as shown on Appendix “A” to Report PED07286, on the following basis:
(a) That the Draft By-law, attached as Appendix “B” to Report PED07286, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner has applied for and received approval for a Site Plan Application, to the satisfaction of the Manager of Development Planning.

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

12. Application for Approval of a Draft Plan of Subdivision for Lands Located at 200 Chester Avenue (Hamilton) (PED07288) (Ward 8) (Item 6.5)

(a) That approval be given to Subdivision Application 25T200707, “Moonbeam Drive Extension”, 1419690 Ontario Inc. (Avalon), on behalf of the Hamilton-Wentworth District School Board, Owner, as redlined revised, to establish a draft plan of subdivision comprising four lots for single detached dwellings, one block for future development and a portion of Moonbeam Court, on lands known municipally as 200 Chester Avenue, as shown on Appendix “A” to Report PED07288, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision 25T200707, entitled “Moonbeam Drive Extension”, as redlined revised, prepared by A.J. Clarke and Associates Ltd., and certified on June 19, 2007, by B. J Clarke, O.L.S., showing four lots for single detached dwellings (Lots 1-4), one block for future development (Block 5), and a portion of Moonbeam Court, attached as Appendix “B” to Report PED07288, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council and with the Special Conditions attached as Appendix “D” to Report PED07288;

(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 the 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.

(b) That the subject lands in the Gourley Neighbourhood Plan be redesignated from “Civic and Institutional” to “Single and Double” Residential.
13. **Possibility of Licensing Driving Schools (PED07290)(City Wide) (Item 8.1)**

(a) That staff correspond with driving schools in the Hamilton area to request that they refrain from using the residential area surrounding the Drive Test Centre in Hamilton for the purpose of practice and training new drivers.

(b) That staff request that the Hamilton Drive Test Centre post signage in their location asking that beginner drivers and driving school instructors refrain from using the residential area surrounding the Drive Test location for practice and training.

(c) That the Item entitled “Possibility of Licensing Driving Schools” be deleted from the Outstanding Business List for the Economic Development and Planning Committee.

(d) That the Drive Test Centre be requested to utilize alternative areas within the City of Hamilton so as to provide relief to the adjacent neighbourhood.

(e) That report PED07290 be forwarded to our local MPPs.

14. **2008 Tariff of Fees By-law, Interim Increases (PED07282) (City Wide) (Item 8.2)**

That approval be given to include the proposed Planning Fee increases and new fees, as shown on Appendix “A” to Report PED07282, in the 2008 User Fees and Charges for Services By-law, as amended by Committee on November 22, 2007 to increase the fees for Local Official Plan Amendments, major zoning by-law amendments and plans of subdivision to the base fee level charged by the City of Burlington.

15. **Rockton Livery Stable, Old Highway 8, Rockton (Added Motion)**

That Council rescind the Resolution of the Council of the former Town of Flamborough which approved of the demolition of the former Rockton Hotel Livery Stable.

16. **Appeal respecting Official Plan Amendment Application OPA-05-17 And Zoning By-law Amendment Application Flying J – 33-37 Fifty Road, Stoney Creek Concession 1, Part of Lot 2 (Saltfleet)**

That the Official Plan Amendment and Zoning By-law Amendment applications, submitted on behalf of Flying J, for lands at 33-37 Fifty Road, be
viewed as premature pending the finalization of preliminary studies required as per Ontario Municipal Board Order 1202 issued April 30, 2007.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- Item 6.3 – 525 Parkdale Avenue North will become the last Public Meeting, in order for the applicant to show a video respecting his operation

- Verbal update from staff respecting licensing of truck operations, added as Item 11.1 (i)

The Agenda for the November 22, 2007 meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The November 6, 2007 Minutes of the Economic Development and Planning Committee meeting were approved.

(d) John Weston respecting his request to have his property removed from the Locke Street BIA (Item 4.1)

John Weston’s request was considered by Committee.

Chair Mitchell advised that this request is the first of its kind, and that staff will need time to research the issue and report back.

Committee directed staff to report back respecting the request from Mr Weston, and approved the delegation to come to a future meeting when the staff report has been prepared.
(e) Demolition Permit – 174 Mountain Park Avenue and 10 Summit Avenue (PD03160(a)) (Ward 7) (Item 5.1)

Tim McCabe gave an update respecting the staff reports on demolition permits. He explained that the City’s intent is to prevent premature demolition of residential units, and to maintain housing stock and from now on, the reports will include a recommendation or comment on the demolition permit application.

Mr. McCabe advised that following Committee’s recent direction, staff is now working on a harmonized by-law to address residential demolition, to be presented in the new year.

(f) Appointment By-law under the Building Code Act (PED07075(a)) (City Wide) (Item 5.4)

Councillor Clark requested information on whether there have been any additions to the staff complement since the previous appointment by-law. Staff responded that the staff complement remains unchanged.

Committee approved the staff report.

(g) Building and Licencing Division Operational Review Sub-Committee Report 07-002 (Item 5.6)

Councillor Clark raised questions related to the figures in the OMBI Report, attached as Appendix A to the staff report.

Marty Hazell noted that the figures had been compiled last spring and that staff are currently reviewing comparables. These results will be provided to OMBI in due course.

Committee approved the staff report.

(h) Rural Official Plan Update (City Wide) (PED07132(a)) (Item 5.7)

Councillor Clark expressed concerns about the Province of Ontario’s delay in providing a final response on the City’s Rural Official Plan. He noted that while the Province is now requiring consultation with the aboriginal community, the Planning Act only requires this when a municipality is within 1 km of a reserve.

Councillor Clark said that Hamilton does not fall within this category, and asked how the City could get the Province to move forward.
Joanne Hickey-Evans gave an update on the meetings with the aboriginal community and confirmed that staff is encouraging the Province to move forward on this issue.

Committee discussed the matter and passed a Motion (Clark/Bratina) directing that a letter be sent to the Province.

(i) **Delegation from Marvin Ross respecting late fees on dog licences (approved by Committee on September 18, 2007) (Item 6.1)**

Marvin Ross addressed Committee and explained his concerns that the City’s late payment fee is too high and that this practice is usurious, is not fair and is not legal. He noted that while it is reasonable that a penalty be imposed for late payment, the City’s charge of 57% is completely out of line with the fees charged by utility companies.

Chair Mitchell advised that the Audit and Admin Committee have requested a report from staff to go with the 2008 Fees and Charges report. This review will outline any additional fees, surcharges or penalties, and provide the actual dollars and percentage difference from the original amount and when imposed.

He therefore suggested that the concerns raised by the delegation should be included in the Finance staff review.

Committee received the presentation and forwarded the letter from Mr. Ross to Finance staff, for inclusion in their report to Committee.

(j) **Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 350 Concession Street (Hamilton) (PED07289) (Ward 7) (Item 6.2)**

A Public Meeting was held.

Chair Mitchell advised the meeting of the following, in accordance with the requirements of the Planning Act;

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of condominium, 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 in respect of the
proposed plan of condominium before the approval authority gives or refuses to give approval to the draft plan of condominium, 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.

Kristen West outlined the report to Committee and noted that a meeting of tenants in the building had been held, and that the majority of the tenants were satisfied with the proposal.

Sergio Manchia and George Zajac, from PEIL, the applicant’s agents, advised that they supported the staff recommendation.

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

Committee approved the staff recommendation.

(k) Application for a Change in Zoning for Lands Located at 525 Parkdale Avenue North (Hamilton) (PED07287) (Ward 4) (Item 6.3)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following, in accordance with the requirements 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 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.

Jennifer D’Andrade outlined the report to Committee and explained why staff is recommending refusal of the application. She noted that staff had visited the applicant’s existing operation in St. Catharines. Ms. D’Andrade noted that two letters of objection had been received, following the circulation of the application, from Springer Meats and Salerno Cheese, both of which are local food manufacturers.

James Davidson, Davidson Environmental, addressed Committee in support of his application. He noted that his company currently operated a transfer station in St. Catharines, and outlined the process which is used at that location and
proposed for this site. He noted that all waste is contained, both when it enters the building in sealed totes and when it leaves in larger sealed containers, that the windows are sealed to prevent odours escaping, that only food waste is accepted and that all the waste received at the transfer station is recycled.

Mr. Davidson explained that the waste is sorted within the facility, and that food waste goes to Walker’s composting plant in Thorold, paper goes to Thorold, plastics are sent to China and cans and glass are sent to recyclers in Hamilton. He confirmed that his operation does not accept liquid waste or medical waste and that while the food products may contain some oil, they do not accept oil waste.

Committee asked the applicant a number of questions concerning his operation, and Mr. Davidson provided additional details. He confirmed that the use would be compatible with the existing uses in the area and that there should be no adverse impact from it.

Walter Mueller, Springers Meats, addressed Committee in opposition to the application and noted that his company had written a letter of objection. He explained that his company had invested over $4 million over the last two years, in order to become a federally licensed operation, to sell products across Canada.

Mr. Mueller expressed a number of concerns, particularly respecting odours, and vermin which could be attracted by the use and which would have a negative impact on his operation. He explained that exterior air is used in the smoking process of his operation, and that he had concerns that the potential of air-borne salmonella from the proposed use could impact his processes.

Mr. Mueller said that his concerns as a food producer were shared by the nearby Salerno Cheese operation, and that both companies considered that the proposed use was not appropriate.

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

Committee discussed the matter.

Committee approved the staff recommendation to deny the application.

(1) Application to Amend the Hamilton Zoning By-law, for Property Located at 1 Hayden Street (PED07286) (Ward 7) (Item 6.4)

A Public Meeting was held.

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Chair Mitchell advised the meeting of the following, in accordance with the requirements 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 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.

Chair Mitchell advised that an additional submission had been received from Charles Dubrough, 43 Luscombe Street, and that his had been distributed to Committee.

Cam Thomas outlined the report to Committee. He noted that two letters had been received following the public circulation, and that these raised concerns about parking on the street and the addition in traffic volumes caused by the use.

Mr. Thomas noted that the staff recommended that there be a maximum of two dentists, plus appropriate support staff, and that the by-law not be presented to Council until a site plan had been approved for the site.

Greg Poole, the agent for the applicant, addressed Committee in support of the application. He noted that Dr. Grover’s business had been in operation for over 20 years and had become part of the fabric of the neighbourhood, with many local patients who could walk to the office. He noted his support for the staff recommendation.

Charles Dubrough, 43 Luscombe, addressed Committee with his concerns about the rezoning, and referred to his letter which had been distributed this morning. Mr. Dubrough noted a number of concerns with the application, including, but not limited to:

- concern about parking on site, which appears to be partly on the front lawn
- with ten people working in a small, former dwelling, there was congestion from staff vehicles as well as patient vehicles
- parking on both sides of Hayden, a narrow street, causing traffic safety issues, especially when cars back out, as well as existence of bike trail in area.

No other members of the public came forward to address Committee.
Committee discussed the matter, and had additional information supplied by staff. Mr. Thomas advised that the use on site had commenced as a home occupation, and while a building permit for interior work had been submitted approximately ten years ago, the application had lapsed, and there had been no further applications made for the site.

He explained that the subject zoning application was for the existing dental use to continue and be recognized and that the site plan would address the on-site parking arrangements.

Committee approved the staff recommendation.

(m) Application for Approval of a Draft Plan of Subdivision for Lands Located at 200 Chester Avenue (Hamilton) (PED07288) (Ward 8) (Item 6.5)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following, in accordance with the requirements of the Planning Act;

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Laurielle Brooks outlined the report to Committee and explained a minor revision to the body of the report, respecting the Committee of Adjustment decision on the matter. She explained that the subject application is for a plan of subdivision, with respect to a surplus section of the James MacDonald School, and that the existing zoning on the property permits the proposed residential uses.

Ms. Brooks noted that six replies had been received following the public circulation and that the letters indicated concerns respecting loss of parkland and the lack of opportunity for input from the public into the development process. She provided background to the application and explained that the Hamilton-Wentworth District School Board had declared the property surplus and that the City had not wished to purchase it as it was not contiguous to existing parkland.
and was too small for an individual park. There will be a warning clause on the title of the future lots respecting the adjacent sports fields and activities, and the applicant will be required to fence the rear lot lines.

Committee asked for clarification on a number of issues, and staff provided further information respecting the applicant’s request for lot severances to the Committee of Adjustment, the Committee’s refusal of the application for severances and the subsequent, current application for plan of subdivision.

Sarah Knoll and Ward Campbell, Starward Homes, spoke in support of the subject application. Ms. Knoll provided additional background, and passed around a photo of the area, and explained the location of the school, Gourlay Park and the subject site.

Bob Harkness, 148 Chesley Street, addressed Committee in opposition to the application, explaining that he uses the park and subject area twice a day and has concerns about the permanent loss of parkland and the lack of meaningful public process respecting the overall proposals for change in the area. He explained the level of frustration in the neighbourhood and how the Committee of Adjustment had first tabled then denied the application.

Mr. Harkness suggested that a land swap of this area in the north-east corner of the park and an area in the south-west corner, could solve the problems, and that the School Board trustee favoured this approach. However, he had been unable to get a response on this proposal from City staff, in spite of numerous attempts.

Mr. Harkness provided a hand-out of the draft Committee of Adjustment decision on the severance application, and then expressed his frustration that the whole sale and proposed development of the park was a “done deal” from the start. He advised that the School Board was now working on a new policy with respect to the involvement of the public where the sale of surplus land is being considered, and asked the City to make the same commitment.

Richard Martin, a resident who backs onto the park, addressed Committee in opposition to the development. He explained that the subject area is actively used as a park, that the proposed development will result in safety issues due to the proximity of the baseball diamonds and soccer fields, that the proposed fencing would be inadequate to stop baseballs entering the proposed lots, and that the development could eventually lead to the loss of the diamonds in their present location.

Mr. Martin presented a petition against the proposal, signed by over 75 people.

John Menegon addressed Committee in opposition to the proposal. He expressed concerns respecting the overall planning process, the lack of opportunity for public input, the need for the public to be involved when school
land is declared surplus and the need to preserve the parkland for area residents.

Mr. Menegon questioned why the reasons in the Committee of Adjustment decision had not been included in the Planning staff report. He requested the Committee to retain the park and refuse the application.

Ward Campbell addressed Committee as the owner of Starward Homes. He noted that the proposal was in accord with the neighbourhood plan, which had been previously approved by Council, following extensive public process.

Mr. Campbell explained that this family had donated to the City over 20 acres of parkland in this area. He requested Committee to approve the plan.

Committee discussed the matters raised and had additional information supplied by staff. Paul Mallard explained that the staff report addressed the final Committee of Adjustment decision, while the document distributed by the speakers was a draft decision. Tim McCabe noted that the draft, unsigned decision, represented the Committee’s opinion on the matter, and that it was very unusual for this type of document to be prepared.

Staff explained how the subject site had originally been the subject of a site-specific rezoning application, but that this application had been overtaken by the approval of a general amendment to the Comprehensive Zoning By-law, which allowed residential use on vacant, former school property. The timing of the City’s process on this overall amendment had led to the cancellation of the formal public meeting respecting the rezoning on the subject site.

Committee continued their discussion of the process, and expressed concerns that the overall planning process for the site had transpired in a manner which essentially removed the rights of the residents to put forward their objections at an appropriate time.

Committee approved the staff recommendation.

(n) Appeal by Flying J respecting their applications to amend the Official Plan and Zoning By-law, respecting property at 33-37 Fifty Road, Stoney Creek Concession 1, Part of Lot 2 (Saltfleet)

At 12:05 pm, Committee moved into Closed Session to consider the above-mentioned matter, which is presently before the OMB, and to receive advice from legal counsel.

At 12:30 pm, Committee reconvened in Open Session, and approved the Motion respecting the matter.

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(o) Possibility of Licensing Driving Schools (PED07290)(City Wide) (Item 8.1)

Marty Hazell outlined the report to Committee. He suggested that with regard to the problem of driving schools practicing on the test route around the MTO Testing Station, a request to the driving schools should be tried first, before a restricted area zoning by-law was contemplated. While a by-law is possible, its enforcement would be extremely labour-intensive and time consuming. Mr. Hazell confirmed that the experience of other municipalities had been sought, in the research for the subject report.

Councillor Clark suggested that it may be necessary to ask MTO to vary the route taken by driving tests.

Committee discussed the issues.

Councillor Collins, the Ward Councillor, had been present earlier in the meeting but had to leave for another meeting. He had requested that two additional conditions be included in the Recommendation. Committee approved these as an amendment to the staff report, then approved the Recommendation, as amended.

(p) 2008 Tariff of Fees By-law, Interim Increases (PED07282) (City Wide) (Item 5.5)

Paul Mallard outlined the report to Committee and explained that staff is proposing a number of interim increases in various fees, pending an overall fee study in 2008. This review will include the consideration of new charges, for example, charging a fee for applications which are appealed.

Committee discussed the issues and had additional information supplied by staff. Staff confirmed that the fees charged by other municipalities have been reviewed, as part of the review of this matter, and that the HHHBA has been consulted, and had no objections.

Councillor Clark suggested that fees for local OPAs, zoning by-law amendments, and plans of subdivision should mirror those charged by the City of Burlington.

Chair Mitchell vacated the Chair to Vice-Chair Pearson, in order to address the issue. Chair Mitchell then resumed the Chair.

Committee approved the amendment to increase the three specified fees to match the base fees charged by the City of Burlington.

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Committee approved the staff recommendation, as amended.

(q) Motions (Item 9)
None

(r) Notice of Motions (Item 10)
None

(s) General Information (Item 11.1)

(i) Timing of decisions for applications considered at Public Meetings and Special Public Meeting to consider input from public on Public Meetings (due date November 22, 2007)

Paul Mallard explained that this report would be coming to Committee in January 2008. Councillor Clark expressed concerns that the Special Public Meeting directed by Committee had not taken place and asked how this meeting could have been postponed by the Chair Review meeting.

Councillor Pearson explained that there was a need to obtain information from other municipalities, before a meeting was held, in order to have information and options ready for the public. She noted that the Public Meeting is still on the OBL and will be arranged in due course.

Councillor Clark continued to express his concerns respecting the timing and asked that the City Clerk be requested to provide his opinion on this matter.

(ii) Community Beach Ponds and Provincial wetland evaluation ((due date October, 2007)

Mr. Mallard advised that this report would come to Committee on December 4, 2007.

(iii) Student rental housing adjacent to McMaster and Mohawk (due date October 16, 2007)

Mr. Mallard advised that this report would come to Committee on December 4, 2007.

Council – November 28, 2007
(iv) Differences respecting size of buffers from ESAs, within the rural areas and urban areas (due date November 22, 2007)

Mr. Mallard advised that this report would come to Committee on December 4, 2007.

(v) GTAA Airport Taxi-Limousine issue-letter from Town of Markham (due date November 22, 2007)

Staff advised that Council had referred a letter from the Town of Markham respecting airport pickups, to this Committee. Committee agreed that as the matter was not a problem in Hamilton, it was not necessary for staff to report back. On a Motion (Pearson/Clark), the item was removed from the OBL.

(vi) Flamborough Downs reduction of racing operations (due date November 22, 2007)

Tim McCabe noted that Neil Everson is working on this report and it should be at the meeting in January, 2008.

(vii) Urban Braille for New Site Plans- Advisory Committee for Persons with Disabilities Report (due date October 16, 2007)

Staff explained that the report had been delayed, due to the member of staff leaving the City. It is now planned for May, 2008.

(vii) Proliferation of liquor licences in Westdale area (due date October 16, 2007)

Marty Hazell explained that this was a very complex issue, involving the areas of licensing, zoning, and legal jurisdiction. The report is to come to Committee in May, 2008.

(viii) Tow Truck Licensing (Added Item)

Mr. Hazell explained the present situation, and how accident solicitation is controlled. On a Motion (Clark/Duvall), staff was directed to report back on this issue.
(t) News from the General Manager (No copy) (Item 11.2)

Mr. McCabe updated Committee about a number of issues including:

- success of the design awards, and thanks to the Spectator for the positive coverage.

- The removal of the 1 hour free parking in the York Street Parkade has been delayed until January, 2008

- Robert Walters has moved into the area of Official Plan and Zoning By-law Reform, and Jason Thompson is now Senior Project Manager, in Development Planning.

- Building Services Operational Review now complete, and a meeting will be held to review the report.

Mr. McCabe then addressed the Motion on the Rockton Livery Stable approved by Committee, and then Council, at their last meeting, and explained that staff has investigated the possibility of revoking the decision of the former Town of Flamborough, and found that is feasible. He requested that Committee now direct staff to rescind the previous Council’s Motion, to allow staff to proceed on this matter.

A Motion (Pearson/Pasuta) to waive the rules to permit the introduction of a new Motion respecting the Rockton Livery Stable was placed on the floor.

The motion CARRIED on a Standing Recorded Vote as follows:

Yeas: Mitchell, Pearson, Pasuta
Total Yeas: 3
Nays: Clark, Duvall
Total Nays: 2
Absent: Ferguson, Bratina, McHattie, Whitehead

Councillor Clark expressed his displeasure with the introduction of a new Motion, as there was no emergency reason.

Committee then approved the Motion respecting the Rockton Livery Stable

Mr. McCabe then distributed a diagram entitled “Strategic Policy Framework for a Sustainable Community” and explained it to Committee.
(u) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 1:36 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
November 22, 2007