THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 09-012 AND RESPECTFULLY RECOMMENDS:

1. FCM Nationwide Survey on Greenhouse Gas Emissions (PED09143) (City Wide) (Item 5.1)

That Report PED09143, FCM Nationwide Survey on Greenhouse Gas Emissions, be received for information.

2. Demolition Permit – 727 Dunn Avenue (PED09146) (Ward 4) (Item 5.2)

That the Director of Building Services be authorized and directed to issue a demolition permit for 727 Dunn Avenue in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

Council – June 10, 2009
(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

3. **Demolition Permit – 54 Second Road West (Stoney Creek) (PED09147) (Ward 9) (Item 5.3)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 54 Second Road West (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,
(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

4. Demolition Permit – 1489 Baseline Road also known as 81 and 83 McCollum Road (Stoney Creek) (PED09148) (Ward 11) (Item 5.4)

That the Director of Building Services be authorized and directed to issue two demolition permits for 1489 Baseline Road, also known as 81 and 83 McCollum Road, (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

5. Demolition Permit – 60 Parkside Avenue (Dundas) (PED09150) (Ward 13) (Item 5.5)

That the Director of Building Services be authorized and directed to issue a demolition permit for 60 Parkside Avenue (Dundas) in accordance with By-Law 08-226 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.
6. Demolition Permit – 849 Mohawk Road East (PED09152) (Ward 6) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 849 Mohawk Road East in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

7. Application for a Modification in Zoning for Lands Located at 63 Ditton Drive (Hamilton) (PED09154) (Ward 6) (Item 6.2)

That approval be given to amended Zoning Application ZAR-08-085, by Millwrights Regional Council of Ontario Local Union 1916, Owner, for a modification to the “M-14” (Prestige Industrial) District, with a Special Exception to permit training facilities for millwrights and a union hall and to modify parking and setback requirements, on the lands located at 63 Ditton Drive (Hamilton), as shown on Appendix “A” to Report PED09154, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09154, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council.

(b) That the proposed change in zoning conforms to the Provincial Policy Statement, the Places to Grow Growth Plan for the Greater Golden...
8. City Initiative for a Change in Zoning for Lands Located at 832 Concession Street, Hamilton (PED09151) (Ward 6) (Item 6.3)

That approval be given to City Initiative CI-09-A, by the City of Hamilton, for a change in zoning from the Community Institutional (I2) Zone (Zoning By-law No. 05-200) to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District (Zoning By-law No. 6593) with a Special Exception, in order to permit the existing building to be converted from a residential care facility to a twelve unit apartment building, on lands located at 832 Concession Street (Hamilton), as shown on Appendix “A” to Report PED09151, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09151, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the draft By-law, attached as Appendix “C” to Report PED09151, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.


That Approval be given to Zoning Application ZAR-08-073, by Ralfana Homes Corp. (Joe Di Cienzo), Applicant, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block 1), and for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, (Block 2) with a Special Exception, on lands located at 1310 Upper Wellington Street (Hamilton), as shown on Appendix “A” to Report PED09155, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED09155, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.
10. Application for a Modification in Zoning for the Lands Located at 49 Head Street (Hamilton) (PED09153) (Ward 1) (Item 6.5)

That Zoning Application ZAR-08-086, by Ranjit Plaha, Owner, for a modification to the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, in order to recognize the existing four unit multiple dwelling on the lands located at 49 Head Street, as shown on Appendix “A” to Report PED09153, be denied on the following basis:

(a) That the proposal does not conform to the City of Hamilton Official Plan.

(b) That the proposal does not conform to the Council approved Strathcona Neighbourhood Plan.

(c) That the proposal is not compatible, or in keeping with the established character of the surrounding area.

(d) That the proposal is an over-intensification of use.

11. Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 886 Golf Links Road (Ancaster) (PED09149) (Ward 12) (Item 6.6)

(a) That approval be given to Official Plan Amendment Application OPA-08-020, by Springfield Construction Ltd., c/o Michael Corrado, (Applicant), to amend the Official Plan for the former Town of Ancaster, to permit a 24 unit, 3 storey, apartment building, on the lands known as 886 Golf Links Road, as shown on Appendix “A” to Report PED09149, on the following basis:

(i) That the subject lands be identified as Special Policy Area “G” on Schedule “F”, Special Policy Areas and Map 2 “Special Policy Areas” of the Meadowlands Secondary Plan Neighbourhood V.

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09149, be adopted by Council.

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

(b) That approval be given to Zoning By-law Amendment Application ZAC-08-084, by Springfield Construction Ltd., c/o Michael Corrado, (Applicant), for a change in zoning from the Residential Multiple “RM4-512” Zone to the Residential Multiple “RM6-587” Zone, with a Special Exception and Holding Provision, to permit a 24 unit, 3 storey apartment
building, on the lands known municipally as 886 Golf Links Road, as shown on Appendix “A” to Report PED09149, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09149, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on June 2, 2009, to remove the Holding provisions, be enacted by City Council.

(ii) That the amending By-law be added to Map 1 of Schedule “B” of Zoning By-law No. 87-57.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan and the Meadowlands Secondary Plan Neighbourhood V upon approval of Official Plan Amendment No.

12. City Initiative CI-09-C to Regulate Waste Management Facilities: Official Plan Amendments and Zoning By-law Amendments to Implement Planning Regulations for Waste Management Facilities (PED08064(c)) (City Wide) (Item 6.7)

(a) That approval be given to City Initiative CI-09-C which amends the Official Plans for the former Regional Municipality of Hamilton-Wentworth, former Town of Ancaster, former Town of Dundas, former Town of Flamborough, former Township of Glanbrook, former City of Hamilton and former City of Stoney Creek to regulate Waste Management Facilities, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “A” to Report PED08064(c), and as amended by Committee on June 2, 2009, be adopted by Council.

(b) That approval be given to City Initiative CI-09-C, which amends the Zoning By-laws of the former Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton and City of Stoney Creek in order to permit and regulate Waste Management Facilities, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED08064(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(c) That the Inventory of Private Waste Facilities (now referred to as Waste Management Facilities) within the City of Hamilton, initially prepared by Jacques Whitford Limited, and updated to include Municipal Waste Management Facilities, attached as Appendix “C” to Report PED08064(c), be received and maintained by the Department responsible for providing comments to the Ministry of the Environment (MOE) on Waste Certificates of Approval.

(d) That no further action be taken relative to the implementation of radial distance separation between Private Waste Management Facilities which hold or require an Ministry of the Environment (MOE) Waste Certificate of Approval.

(e) That the Planning and Economic Development Department be directed to initiate an Official Plan Amendment to the Rural Hamilton Official Plan in the Fall of 2009 to implement the recommendations of the Jacques Whitford Planning Study of Private Waste Disposal Sites, dated October 21, 2008, together with other amendments being considered.

13. 2009 Green Venture Base Funding and Authority to Enter Into Agreements (PED09156) (City Wide) (Item 7.2)

(a) That the City of Hamilton renew its agreement to provide base funding for Hamilton-Wentworth Green Venture Incorporated (Green Venture) in the amount of $40,000 per year, for the 2009 budget year.

(b) That Planning and Economic Development Department staff be authorized and directed to enter into agreements with Hamilton-Wentworth Green Venture Incorporated (Green Venture), to deliver projects to further Clean Air Hamilton strategic objectives, as outlined in individual project agreements, with each project agreement not to exceed $15,000, and with the total value of the agreements not to exceed the funding approved in the annual budget process.

(c) That the Mayor and City Clerk be authorized and directed to sign the necessary agreements as outlined in sub-section b) above.

14. Ontario Municipal Board Hearing respecting K. Swan, 1194 Scenic Drive, proposed rezoning to permit a daycare (Added Item 12.2)

(a) That the City of Hamilton enter into the Minutes of Settlement, attached to Report 09-012 as Appendix A, with Kuldip Swan respecting the rezoning appeal for a proposed daycare for 194 Scenic Drive, that is before the OMB in order to resolve the appeal;

Council – June 10, 2009
(b) That the Minutes of Settlement be in the form as submitted to the Economic Development and Planning Committee on June 2, 2009 by the City Legal Division; and

(c) That the City Solicitor is hereby authorized to execute the aforesaid Minutes of Settlement.

FOR INFORMATION

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following change to the agenda:

(i) Added Closed Session item 12.2 respecting a matter which is currently before the OMB. This has been added to the agenda as Item 12.2

The agenda for the June 2, 2009, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the May 19, 2009 Economic Development and Planning Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

The following delegation requests were approved to attend at a future meeting:

(i) Harvey Woodrow, 7 Agnes Street, respecting the parking on Agnes Street (Item 4.1)

(ii) Oscar Kichi, Crowne Plaza hotel, respecting decline in conferences in the City, and his offer to be involved in improving this situation (Item 4.2)
(e) FCM Nationwide Survey on Greenhouse Gas Emissions (PED09143) (City Wide) (Item 5.1)

On a motion, this Item was received and removed from the Outstanding Business List.

(f) Judy Lee, 22 Como Place, Hamilton, representing South Central Hamilton Mountain Neighbourhood Association, respecting request that the City purchases Ryckman’s Park to be used for parkland (Delegation approved May 19, 2009) (Item 6.1)

Judy Lee addressed Committee and read from a prepared statement, copies of which were distributed. She outlined the reasons why the South Central Hamilton Mountain Neighbourhood Association is requesting that the City purchase Ryckman’s Park to be used for parkland and showed slides of the park and various community activities.

She responded to question posed by the Committee members. The Committee thanked her for her presentation.

Chair Pearson advised that the Committee will be considering this matter later in the meeting in Closed Session.

(g) Application for a Modification in Zoning for Lands Located at 63 Ditton Drive (Hamilton) (PED09154) (Ward 6) (Item 6.2)

Chair Pearson 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 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.

On a Motion, (Ferguson/Clark) Committee agreed to dispense with the planner’s presentation.
Melanie Pham was present to assist Committee.

The applicant’s agent, Joe Lakatos, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved (Ferguson/McHattie) the staff recommendation.

(h) City Initiative for a Change in Zoning for Lands Located at 832 Concession Street, Hamilton (PED09151) (Ward 6) (Item 6.3)

Chair Pearson 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 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 Pearson noted that Councillor Jackson is in support of this application.

This is a City Initiative to correct a minor zoning error, so there was no outside agent to address Committee.

On Motion, (Ferguson/Clark) Committee agreed to dispense with the planner’s presentation.

Jennifer Hahn was present to assist Committee.

Councillor McHattie asked that staff clarify why this is a City initiative and what zoning error the amendment is addressing.

Councillor Clark asked staff if this would affect the shortage of Residential Care Facilities in the City. Steve Robichaud provided further details respecting the application.
No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(i) Application for Changes in Zoning for a Portion of the Lands Located at 1310 Upper Wellington Street (Hamilton) (PED09155) (Ward 7) (Item 6.4)

Chair Pearson 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 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.

On a Motion, (Duvall/ McHattie) Committee agreed to dispense with the planner’s presentation.

Daniel Barnett was present to assist Committee.

The applicant’s agent, Joe DiCenzo, advised that he was satisfied with the staff recommendation

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(j) Application for a Modification in Zoning for the Lands Located at 49 Head Street (Hamilton) (PED09153) (Ward 1) (Item 6.5)

Chair Pearson 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 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 Pearson advised that additional letters had been received and distributed this morning, from the following:

Aurelia Shaw, 42 head Street  
Tim Rosenberger, 35 Head Street.  
George Zajac, on behalf of 2172011 Ontario Inc, 41 Head Street, Hamilton  
Janneke Fairman at 48 Head Street

Matthew Blevins was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation and explained the reasons for the recommendation to refuse the application.

His comments included but were not limited to the following:

- The proposal does not conform to the “Residential” policies of the City’s Official Plan or the Strathcona Neighbourhood Plan;
- The proposed four unit dwelling does not maintain and enhance the character of the existing residential area
- The proposed change in zoning does not provide adequate off street parking, would not provide for adequate landscaping and buffering, is not arranged in a gradation of densities and does not provide and maintain adequate amenity space.

The applicant’s agent, Terrance Glover, introduced the applicant, Ranjit Plaha, who addressed Committee and advised as follows:

- In 2007 he and his family wanted to purchase something in Hamilton to live in and earn an income;
- Decided on this location because it looked in great shape – purchased the property in May 07;
- His family worked hard cleaning, painting and fixing the house;
- They were ready to move in but their flooring business suffered a loss and therefore decided to rent it out;
- Rented out as per the previous owner;
2008 received a notice to comply from the City.

The applicant’s agent, Terrance Glover addressed Committee and made a PowerPoint presentation. His comments included but were not limited to the following:

- Expressed serious concerns respecting the content of the staff report planner representing the applicant
- The property permits 2 units – the applicant is asking for intensification to four
- Photos show the house is not ugly, fits in with the general streetscape – it is not a nuisance
- The previous owner did not have the correct permits
- He provided maps showing that the use conforms with the area
- This is a neighbourhood in transition, near Downtown, high density happening in the area
- There’s a beautiful park in the area
- No adverse effects to allow two more people in the neighbourhood
- Strathcona neighbourhood plan – stands alone as an official policy, was never incorporated, approved 37 years ago – it is outdated
- There is a pending neighbourhood plan – staff did not advise of this – no details provided respecting the pending plan
- Pre consulted with staff – a week before the deadline staff questioned the measurements he provided – he did not know that this was going to be presentation – advised that it was not drawn to scale
- The parking is grandfathered for the use of two units – staff didn’t comment on the grandfathering
- Parking standard applies if you need more than five spaces – there’s enough for four spaces

Councillor McHattie expressed concerns respecting the tone and language being used by the agent in his presentation. He said that they were inappropriate, and requested the agent to refrain from these types of remarks.

Mr. Glover apologized and continued his presentation.

- 2 metre set backs – existing driveway – will install privacy fence – will remove garage – will landscape- will address all concerns in the report
- Showed photos of neighbours who don’t cut the grass – absentee landlords – other neighbourhoods who don’t take care of their properties
- Area does not only have single dwellings, there are also high density buildings
- Have applied for a zoning amendment and acknowledged that property currently doesn’t comply
- Places to Grow was not mentioned in the report
- Asked that the Committee support the application
Veronica Almas, 33 Head Street, addressed Committee with regard to the proposal. Her comments included, but were not limited to the following:

- Purchased her home at 33 Head Street as a retirement home;
- At 41 Head Street there is an absentee landlord, the snow is never removed;
- the applicant’s house is a bright yellow building – rest of homes are conservative;
- after voicing concerns to staff, told to keep an eye on the property and inform if it becomes over populated;
- the Greek Church directly across the street has built a Retirement Home for its members and therefore parking is a problem;
- people attending Greek Church block her driveway;
- has seen residents park on the front lawn;
- 22 homes on Head street;
- 6 homeowners attended today’s meeting and they car pooled;
- The house at 49 Head has two hydro meters – four units feed off the two meters which is a fire concern;
- The sewers in the area are old;
- Her sympathy goes out to the new owners – however, this is not the problem of the 22 other residents;
- On a Sunday, the street is blocked with parked cars
- Has permission to speak for Mr. Rosenberger who has submitted a letter – his house has no driveway; the Greek Church allows him to park Monday to Friday in the Greek Church parking lot; on Sundays he must park streets away;
- This is a family street with a church;
- We cannot control who the proponent can rent to;
- We do not want to turn this into a Westdale with university student residents

Aurelia Shaw, 42 Head Street, addressed Committee with regard to the proposal. Her comments included, but were not limited to the following:

- We feel this may set a precedent if this change is allowed;
- Sympathizes with the owner but he should have checked the deed;
- Non-complying for past four or five years;
- Rowdiness – property standards issues;
- As a group we are very concerned

Council – June 10, 2009
George Zajac, IBI Group, James Street North, Hamilton, addressed Committee with regard to the proposal. His comments included, but were not limited to the following:

- He is representing the owner of 41 Head Street;
- Submitted letter;
- There has been some grass cutting and shoveling problems – has alerted the land owner of these issues;
- The property is currently vacant;
- Has attended the meetings with respect to the Official Plan;
- The Provincial mandate is for intensification but should not be done indiscriminately:
- Does not offer adequate parking or a buffer;
- Echoes staff’s concerns for parking – Provided hand outs (photos) of the street taken at 4 p.m. on a Wednesday afternoon;
- Parking is permitted on north side of Head Street;
- He supports denial of this application.

Councillor McHattie expressed concerns with the Property Standards issues at 41 Head Street and indicated that they need to be addressed. Mr Zajac agreed to talk further with the Councillor.

Dewitt Shainline, 37 Head Street, addressed Committee with regard to the proposal. His comments included, but were not limited to the following:

- Parking on the street is a problem;
- The house is ugly and it stands out due to the colour.

George Almas, 33 Head Street, addressed Committee with regard to the proposal. His comments included, but were not limited to the following:

- Concerned with fire safety – four units – accommodations for two units – draining off hydro off of two units

Margo Corbin, speaking on behalf of herself and her husband, Chris Eckart 39 Head Street, advised Committee that they do not support the application.

D. McKee. 40 Head Street, advised Committee that the Church next door and the parking are a real nuisance.

Terrence Glover addressed Committee again
- There are 22 single detached houses excluding high density units in the area;
- Sound concerns in reaction to the neighbourhood which is in transition;
- No parking on Sunday – caused by the Church;

Council – June 10, 2009
There will be ample parking on site;
If a family of six moves in there would be the same concerns;
Will improve the problem by providing more parking on site;
Defended colour of house which has a stucco finish.

The Committee discussed the issue and noted the following points;

- The misunderstanding on the part of the owner that this was a four plex when there are only two hydro meters on the building;
- The applicant has never attended any of the public meetings on the secondary plan proposals and specific intensification developments;
- Adding two more units may bring more than two more new tenants to the area;
- Intensification has to be appropriate;
- The already existing parking problems;
- Whether the applicant is in fact able to provide the additional parking required.

Councillor Clark added the following comments;

- concerns that a professional planner has criticized staff
  - the report was extremely well done and it was an informed report
  - disappointed in Mr. Glover that a professional planner would use the type of language he used
  - thanked staff for the report
  - someone has erred but it wasn’t staff could have been the real estate agent or the lawyer

Committee approved the staff recommendation.

(k) Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 886 Golf Links Road (Ancaster) (PED09149) (Ward 12) (Item 6.6)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-law the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to
the Official Plan Amendment and passes the zoning by-law, 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.

Alvin Chan was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation and explained the changes proposed to the Recommendation which is to delete recommendation b(ii) respecting the imposition of the Holding provisions, as the applicant has complied with these conditions.

His comments included but were not limited to the following:

- Three story apartment building oriented to seniors on Golf Links Road;
- Change of zoning from a single family dwelling and home based business to a site specific multi-unit dwelling;
- Will be subject to a site plan application;
- The public comments were particular to establishing appropriate grade on the easterly lot line;
- Photo of streetscape provided;
- In staff’s opinion the application is compatible with the adjacent residential uses;
- Suitable form of residential intensification;
- The proposal has merit
- Conforms to the intent of the Official Plans

Councillor Ferguson referred to the report and asked why the zoning change would reduce the required lot size by 2/3’s. Staff explained that there is sufficient space to provide adequate sewer and parking requirements for the small units oriented to seniors.

The applicant’s agent, Joe Lakatos, advised that he was satisfied with the revised staff recommendation.

Fred Brown, 36 Londonderry Drive, addressed Committee with regard to the proposal. His comments included, but were not limited to the following:

- concerned with parking;
- this is the second application for this property;
- the owners applied for a family business prior to this;
- had to have parking signs erected on his street – even though staff parking is available at the Meadowlands Nursery on Golf Links Road, their staff are directed to park on Londonderry Drive;
• signs have rectified the situation but some workers have obtained area parking passes;
• in the last couple of weeks the signs were removed and “no parking” signs were erected;
• the cars have disappeared but have moved to other streets;
• with the proposed 24 units which may not be rented to seniors, the proposed parking will not be sufficient;
• most seniors he knows have two vehicles, therefore, potentially 48 parking spaces would be required, excluding visitors parking, when only 30 are being proposed;
• sometimes the garbage trucks were blocked by parked cars on Londonderry Drive;
• the recent on street parking has been addressed but this new development will cause the problem to resurface once again.

Councillor Ferguson noted that this is one of a few locations in Ancaster where there is not sufficient parking.

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

Councillor Ferguson referred to the parking requirements which are being reduced to one parking space per unit plus one space for visitor parking per unit and asked how the zoning change can ensure that the units will be rented by seniors, as intended.

Staff responded that the characteristics of the project, i.e. the unit floor plan and size, are not conducive to a family orientation but noted that there is no authority under the Planning Act to zone for a seniors-only dwelling.

Councillor Ferguson said he will watch for parking issues however, he noted that dwellings for seniors are required in this area.

Committee approved the staff recommendation as amended.

City Initiative CI-09-C to Regulate Waste Management Facilities: Official Plan Amendments and Zoning By-law Amendments to Implement Planning Regulations for Waste Management Facilities (PED08064(c)) (City Wide) (Item 6.7)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton
before the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-laws the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-laws, 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.

Jocelyn Strutt was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation and provided a hand-out which was distributed and is part of the public record.

Jocelyn Strutt also distributed revised Appendices to Report PED08064(c). She explained the revisions to the Appendix entitled "Amendment to the Former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, the former Township of Glanbrook and the former Cities of Hamilton and Stoney Creek Official Plans".

This is a City initiative so there is no outside agent to address Committee.

Chair Pearson thanked the presenter for all her work on this issue.

The Committee debated the following:

• concerns that Hamilton has an elevated number of waste management facilities;
• the availability of data for comparison with other municipalities;
• how other municipalities regulate these facilities and appear to not have as many such facilities;
• the types of waste management that do not fit within this category – i.e. restaurant oil processing plants, car repair shops, etc.;
• requesting the MOE to redefine what constitutes a waste management facility;
• the pros and cons of including a radial separation restriction.

Staff responded to questions posed by the Committee.

Manfred Rudolph, Rudolph Law Office, 1 James Street South, representing Bin There addressed Committee with regard to the proposal. His points included, but were not limited to the following:
supports the current staff recommendation
will be monitoring Council’s position with respect to radial separation.

Rob Cook, President of the Ontario Waste Management Association addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• the Ontario Waste Management Association is a non profit association;
• it represents several private businesses in Hamilton
• hopes that the City recognizes waste management as a key service for the City;
• the ability to access waste disposal is critical to other businesses;
• is becoming more and more a green business;
• with the Province’s new legislation there are more recycling and reuse operations;
• Proponents already have an onerous process to satisfy in order to qualify for a Certificate of Approval from the Ministry of the Environment;
• The staff recommendations are restrictive and may even be prohibitory;
• They duplicate to some extent the MOE requirements and duplicate the cost to the business operator;
• The proposal for radial separations between waste management facilities is a concern;
• A 300 metres radial separation is actually a square kilometre of land mass;
• Existing uses need to apply for rezoning if they wish to expand;
• The public sector will not be subject to the same rigors as the private sector;
• City of Halton is transporting its waste to Hamilton.

Rob Cook responded to questions posed by the Committee members. He agreed to make the Association’s membership directory available for information.

James Webb, on behalf of Hotz Environment Services, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Provides a significant number of jobs in the community
• Supports the staff recommendations on behalf of his client.

Committee continued their discussion on the possibility of the inclusion of a requirement for a radial separation distance. Staff explained the difficulties of including a separation distance, and noted that should one be approved by Council, the entire by-law would need to be re-worked. Such a requirement
would limit expansion at Dofasco and would not permit the development of the City land being sold to a developer in the Glanbrook Industrial Business Park to be used for its intended use.

Committee directed that prior to the next Council meeting, staff analyse the potential impact of a 50 metre and a 100 metre radial separation of private waste disposal sites.

Committee approved the staff recommendation.

(m) Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) (Item 6.8)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-law, 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 Pearson noted that additional letters were received this morning from the following persons:

Ross Hunt, 207 Winona Road, Winona
Brenda Johnson, 1130 Barton St. E., Suite 207, Hamilton
Jim Anes, 45 Riviera Ridge, Winona
Courtney Cosgrove, Rosehaven development
Linda LeBlanc, 527 Fifty Road, Winona
Rory Docette

Council – June 10, 2009
On a Motion (Clark/Mitchell) the Committee received the written submissions.

Peter De Iulio was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. His comments included but were not limited to the following:

- the proposed location has always been in the urban area on the former Regional Municipality of Hamilton-Wentworth Official Plan and has been included in the urban boundary on the Stoney Creek Official Plan
- On June 25, 2008, Council approved the Committee of the Whole recommendation that the subject lands be removed from the industrial land supply and be allowed to permit commercial uses
- The application being considered today was submitted in 2005;
- The proposed by-law amendment includes a “Holding” provision for seven conditions that need to be met; storm water management; traffic impact study; transit hub location, detailed urban design guidelines, sustainable design elements/guidelines, record of site condition and archaeological assess
- Approval of the application is consistent with the Committee of the Whole resolution.
• ORC has indicated part of site may be used later for a transit terminal

Peter De Iulio noted that an amendment is required on Page 3 of Appendix B (the draft Official Plan amendments) and on Page 2 of Appendix C (the draft by-law). The square metres indicated need to be changed from 14,000 square metres to 17,012 square metres.

The staff Recommendation was placed on the floor:

(a) That approval be given to amended Hamilton-Wentworth Official Plan Amendment Application ROPA-05-04, by Penady (Stoney Creek) Ltd., Applicant, for Regional Official Plan Amendment No. __, to revise Policy C3.1.3.5, for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09157, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement.

(b) That approval be given to amended Official Plan Amendment Application OPA-05-20 by Penady (Stoney Creek) Ltd., Applicant, for Official Plan Amendment No. __, to amend Schedule “A” General Land Use Plan, of the City of Stoney Creek Official Plan, for a redesignation from “Special Policy F” to “Commercial”, for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09157, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and will be in conformity with the Hamilton-Wentworth Official Plan upon approval of Regional Official Plan Amendment No. __.

(c) That approval be given to amended Zoning Application ZAC-05-111, by Penady (Stoney Creek) Ltd., Applicant, for a change in zoning from the Agricultural Specialty “AS” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone (Block 1), and from the Highway Commercial “HC” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone (Block 2), for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:
(i) That the draft By-law, attached as Appendix “C” to Report PED09157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning will be conformity to the Hamilton-Wentworth Official Plan and to the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No.’s _____ and _____.

(d) That upon finalization of the implementing By-laws, the new Urban Official Plan be modified to incorporate the subject lands as Special Policy Area No. _____.

On a Motion (Mitchell/Bratina) the Committee approved amendments to Appendices B and C as follows:

(a) That Item 2 (c)(a)(ii) on page Page 3 of Appendix B (the draft Official Plan amendments) be amended by deleting the number 14,000 and inserting the number 17,012 therein;

(b) That Item 2 (e)(ii) on page Page 2 of Appendix C (the draft By-law) be amended by deleting the number 14,000 and inserting the number 17,012 therein.

The Committee discussed the following:

- The lack of sidewalks which does not encourage walking;
- The Peer review was never finalized; only available in draft form;
- The availability of other commercial zones that have not been developed;
- Industrial uses vs commercial uses (wages, property taxes, etc.)
- The effects of a Walmart store on the community;
- An upcoming similar proposed development on Centennial Parkway;
- The process for Council to reconsider it’s decision respecting the zoning on this property;
- The numerous “H” holding provisions and the inability for the public to provide input regarding the provisions once approval for the project has been given.

The applicant’s agent, Ed Fothergill, addressed Committee and introduced Hal Kersey from Mady Developments and Calvin McCourt from Pen Equity. His comments included but were not limited to the following:

- Despite some of the issues and concerns, this is a good news story – a very exciting and attractive development proposal;
- Generates employment and jobs;
If the investors are encouraged about what they see, they may wish to invest more in this community;
Supports the staff recommendations and the amendments;
The market study assumed there would be a much larger department store;
The report notes that the application was circulated and no comments were received.
Open house met with residents – by far the majority of the people are in full support of the proposal, confirmed that there are not many areas for them to shop - will stop out-flow of shopping in other communities;
He read a letter submitted by a resident who was unable to attend stating “we desperately need shopping in the area – what’s the beef let’s get on with it”.
The zoning by-law deals with the type of not the name of any business
Traffic – three different traffic studies done – all studies are consistent that the proposal can handle the traffic;
Need for a new stop light at Fifty Road;
These conditions are dealt with in a holding provision;
Will be different than a standard suburban mall – not a power centre – try to combine the best of both worlds;
This is not an employment conversion, site is zoned agriculture and designated as agriculture – special policy F which also permits commercial, not an employment conversion under Provincial, Regional or local policies
Business park – regional – allows big box retail;
Amendment is required for food store component and department store;
Complies with the Provincial Policy Statement;
Places to Grow Plan was brought in after the application was submitted – employment cannot be considered to include large scale retail
The letter from Grimsby is commenting on a report that is three years old – confirms what our market study tells us – Grimsby businesses are worried they will lose the Stoney Creek shoppers and lose some of their shoppers;
Will impact stores in Grimsby but will not close Grimsby stores and the impact will diminish with time;
It provides for a need, will stop shoppers from leaving Stoney Creek.

Ed Fothergill responded to questions posed by the Committee.

Steve Amberman, 12 Chianti Place, addressed Committee with respect to this issue. His comments included but are not limited to the following:

He does not agree that change is a good thing;
He has lived in Winona for 12 years and it is a good place to raise a family;
Winona has clean fresh air that is so hard to find;
Winona is a place with a small town feel;
Do not want an oversized mall babysitting our young;
• Winona Park needs upgrading;
• A new Winona High School will be built on Barton Street which will increase traffic on Barton Street;
• Why convert prime employment lands to a commercial use;
• does not fit for a family oriented neighbourhood;
• This is putting the cart before the horse because SCUBE has not been completed yet;
• There will be many upgrades required;
• The developers will only pay for their area not the burden on the infrastructure;
• Explain why is it that people who chose to live in a rural area are forced by developers and politicians to accept big box store development which will affect our taxes.
• Where the country meets the city, not where the city takes over the country

Larry Nobes 192 Winona Road addressed Committee with respect to this issue. His comments included but are not limited to the following:

• Has lived in Winona for 54 years;
• The area used to have a train station, a legion hall, a restaurant and bar, a barbershop, a fire hall and now there are no services;
• He must always travel out of Winona when he needs to make purchases;
• He therefore supports the application.

Anne Bridgman, 20 Bridgman Lane, addressed Committee with respect to this issue. Her comments included but are not limited to the following:

• She is a fruit grower and long time resident;
• She had an automobile accident on Fifty Road when traveling to the QEW that totaled her vehicle and showed a brief presentation of the damage to her car;
• Heard of a lot of accidents at this corner which is an inherently dangerous intersection;
• Even without further development a stop light is required – a development will increase traffic and make the area more dangerous;
• Winona is a special place as an entry into the Niagara peninsula;
• It has been called the garden of Canada – although few residents are involved in fruit growing it is part of our identity;
• Place with a small town community spirit;
• Winona residents fought to keep their name;
• Walmart is the absolute antithesis to what I have described – a US based multinational right into our front yard – the gateway to Winona;
• The developers are trying to downplay Walmart – it is the only business committed so far to the project and plans to occupy half the space.
Annilee Baron, 196 Rosepark Crescent, addressed Committee with respect to this issue. Her comments included but are not limited to the following:

- She is 15 years old;
- She values the peaceful time – loves nature and wild life;
- Walmart is too large and will increase traffic and cause too much disruption.

John Baron, 196 Rosepark Crescent addressed Committee with respect to this issue. His comments included but are not limited to the following:

- agreed with the comments of the previous speakers;
- He submitted a petition with 200 names and an additional ten letters;
- He noted the ratio is 5 or 6 to 1 against the development.

Ken Audziss, 71 Chiara Drive, addressed Committee with respect to this issue. His comments included but are not limited to the following:

- He has been a resident for five years;
- This is a community where the country meets the city;
- The residents are invited to provide input on three concepts;
- Agreed we need commercial space – but not a big box development – which discourages small commercial operators;
- The proposal is for building something bigger than Jackson Square;
- We are against it because this development sacrifices employment lands, threatens walking, this land is needed for employment lands – so that people can work without commuting and can support their families;
- believes Council made a mistake because Ward Councillor opposed the employment lands;
- The biggest concern is the size – the latest amendment was to increase the retail space – which is for a Walmart;
- at least restrict the size of the commercial space – there has been precedent;
- this is not about what is best for Losani Homes – it is about what is best for the residents and the City of Hamilton.

Barb Brush 5 Reservoir Road, addressed Committee with respect to this issue. Her comments included but are not limited to the following:

- She is only 15 minutes away from a Walmart which is located in Eastgate square;
- The man who founded Walmart wants to put other retailers out of business.
John VanDuzer, 1446 Highway No. 8, addressed Committee with respect to this issue. His comments included but are not limited to the following:

- Currently living in the Century home built by his great grandfather;
- He was a Prominent fruit grower in Winona who had arrived from Pennsylvania;
- His family deeply rooted in Winona;
- After an absence of 32 years, he and his wife made a conscious decision to move from Toronto to live in this community;
- They bought back the family home;
- The City’s website states Hamilton’s greatest challenge is poverty – Walmart will not provide a living wage;
- 1 in 5 residents of Hamilton live in poverty;
- poverty is starting to overwhelm;
- the enormous scale of this new development;
- this proposed big box store is twice the size of the Canadian super store, larger than Sobey’s, bigger than Jackson square/City centre and over half the size of Limeridge Mall;
- Our shared vision to have a city that is a great place to raise child;
- This will be a barrier and will increase poverty;
- Is this the best we can do for Hamilton; will it pull us out of poverty
- We need to ask more questions and get more answers.

Joe Minor, member of Environment Hamilton and Hamiltonians for Progressive Development addressed Committee. His comments included but are not limited to the following:

- He wants to register his opposition and his right to challenge at the OMB;
- He would like to avoid that type of legal battle;
- This is a bad idea and it is your job as Councillors to use your wisdom to turn down this proposal:
- As a concerned tax payer, he notes that 70 % of the taxes come from the homeowners;
- The mill rate is amongst the highest in the province;
- Taxes pay for services and cover short falls in development schemes;
- Provincial rules do not allow for full tax recovery;
- Many exemptions exist for developers;
- Run shortfalls in development charges account – tax payers pick up the slack
- Stop using deep pocket tax payers.
- Using tax payers money for consultants – i.e. Hemson Consulting concluded that there’s no need to increase commercial lands by converting employment land;
• Converting sites establishes destabilizing effect;
• Real employment vs minimum wage;
• The study we paid for was peer reviewed and the peer review said the same thing, keep the employment lands
• Council chose to ignore all this professional advice;
• Currently zoned industrial lands are too important to the City to be converted to other uses;
• Expanding the urban boundary is not a wise thing – if we are short on industrial land why is this being considered;
• There are huge brownfield areas that are under utilized;
• Concerned parent – impact on my children’s future;
• One small piece of land – a march constantly in the wrong direction;
• Suggested reading a book entitled *Collapse* - how societies fail to succeed – the whole difference was the foresight of the government;
• List 12 types of problems – that can end our society – 8 actually apply to this Walmart case – the main ones are dealing with soil degradation, the climate issue, more people than it can sustain, consumption patterns in North America;
• *An Inconvenient Truth* – about climate change – this is a climate change issue;
• *Earth in the Balance* – written by Al Gore – the reason why he received awards is because he wrote this book 17 years ago and his predictions are coming true;
• Had we listened to this book when it come out, we really would have been better off;
• *Out of Gas* – the end of the age of oil – written in 2004;
• These books are written by mainstream, not radical environmentalists;
• This is a peak oil issue;
• He will explain this in more detail to anyone who is willing to take the time;
• We need to plan around energy efficiency;

Ryan Inch, 1100 Mud Street East, addressed Committee with respect to this issue. His comments included but are not limited to the following:

• He is 14 years old
• He lives on the Mountain but frequently visits Winona;
• Would like to see this land used to be made into a park, which is needed;
• This park would be different;
• The vineyard across the road could be cultivated and brought into the park
• A picnic area where fresh fruit could be picked
• Plant other fruit producing trees and bushes
• Cultivate flowers which will give bees a home as they are declining
• Will help the environment and people
• I respect this Council and this government but I think that putting a Walmart will be a mistake as expressed by the previous speakers.

Margaret Lee, 34 Oriole Avenue, addressed Committee with respect to this issue. Her comments included but are not limited to the following:

• 30 year resident of Winona;
• read report last night;
• There are 6 residents on her street;
• Noted the sanitary sewer flow will be just off the side yard of her property where a small marsh with ducks exists
• There are 7 incomplete reports related to this application;
• Please look hard at these incomplete reports
• To whose satisfaction will these reports be completed?

Brenda Johnson on behalf of Lynda Lukasik, Executive Director of Environment Hamilton, addressed Committee with respect to this and read the last page of the letter submitted by Lynda Lukasik which included the following comments:

• Promoting Communities where people can walk or cycle;
• Despite our wonderful efforts, this site will create an isolated development without links to existing residents;
• Surely there could be more smaller scale developments:
• Has grave concerns to the further demise of the City Centre:
• the commercial areas in Town of Grimsby next door are vulnerable:
• Environment Hamilton does not support this proposal.

Georgina Beattie, P.O. Box 10002, Winona addressed Committee with respect to this issue and showed a few slides on the projector. Her comments included but were not limited to the following:

• She was a former Councillor of the former City of Stoney Creek:
• It is important to keep the residents in the loop to avoid fear mongering;
• Google earth of the area in question on the screen – the development maps don’t show the railway and service road:
• The application was submitted quite some time ago however, only on May 6 of this year did the residents learn of what was happening;
• The residents had one short month to research;
• We do not know how this will affect us;
• For some reason planning t circulation did not come forth – the proponent was going to broaden the circulation;
As you studied the report – did you get the idea of what was going to come?
An "H" holding does not allow for further public input;
will the proponent cover the issues they say they will?
Will the development charges cover the costs?
photos of the location show how narrow the roadways are;
once Fifty Road is widened, existing houses will be very close to the road.
  Showed newly erected telephone pole, being 3 feet from the road, will also be impacted
the public is not being properly included
there are funding issues,
this application is premature.

Brenda Johnson, 194 Winona Road, addressed Committee with respect to this issue and made a PowerPoint presentation. Her comments included but were not limited to the following:

- There are some comments missing with respect to this issue from the following: CN, the Minister of Municipal Affairs and Housing, the Hamilton Conservation Authority, the Ministry of Natural Resources, the Department of Fisheries and Oceans – (latter as the proposal will impact 50 Point Marina.)
- The Region of Niagara’s letter was vaguely mentioned. Traffic studies – two have been completed but there are a lot of holes – The studies need to be expanded to include Fruitland Road to Fifty Road to the North Service Road to Hwy 8;
- New homes east of Fruitland Road – the new school site – Lewis Road and Barton should also be included in the study;
- Peach Festival – parks 8,000 cars in one weekend;
- The residents don’t complain because it’s a party held once a year;
- Application is for 3,000 additional cars;
- No sidewalks – narrow roads;
- Peaks hours in the applicant’s study need to be expanded – hard to get onto Fifty Road on a Saturday or a Sunday;
- 7 holding provisions is not acceptable, as too many details are being left for future staff, not public, approval
- The first four cannot be evaluated because the required studies have not been completed;
- Please do the homework first and then we can proceed.

The Chair closed off the Public Meeting.

On a Motion (Mitchell/Ferguson) the Committee allowed Ed Fothergill to address Committee for a second time.
Ed Fothergill suggested that SCUBE be separated out of this process to avoid confusion. These lands are not part of the same process. Also, with respect to the discrepancy regarding the numbers in the staff report, the numbers were provided by staff, not by the applicant. The application was for 17,000 square metres.

Mr Fothergill clarified that he indicated that the Provincial Policy statement does apply to the application, that there will be no costs to the tax payer and the park land contribution from the applicant will be $2,000. He also clarified that there were two circulations of notices; one undertaken by the developers (for which the standard was doubled) and one undertaken by staff.

Committee continued their discussions on the matter and had additional information supplied by staff.

Councillor Whitehead asked for clarification on what Provincial Policies and Legislation apply to this application.

Councillor Mitchell thanked all the Winona speakers and indicated that he has received many comments with respect to this application and 2 to 1 have been in favour of the development.

Councillor Bratina indicated that big box stores usually capture the business from established businesses in the area therefore, there are few benefits. He requested that staff comment on the impact of previous Wal mart stores locating in other communities, and the resulting impact on existing commercial development

Councillor Whitehead noted that the Hemson Report indicated that Hamilton has an acute shortage of employment lands and staff agreed that protecting employment lands is a good principle and it was Council’s decision to change the intended use of the land.

Committee discussed the advantages and disadvantages of deferring the matter.

Committee approved the following Motion on a Standing Recorded Vote;

Yeas: Bratina, Clark, Duvall, Ferguson, Pearson, Whitehead
Total: 6
Nays: Mitchell
Total: 1
Absent: McHattie, Pasuta
Total: 2
(a) That the Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) be deferred pending the completion of the following:

(i) Storm Water Management Study  
(ii) Traffic Impact Study  
(iii) Transit Hub Location  
(iv) Detailed Urban design Guidelines  

(b) That upon the completion of the requirements outlined in subsection (a) that Holding Provisions be attached to the following:

(i) Sustainable Design Elements/Guidelines  
(ii) Record of Site Condition (RSC)  
(iii) Archaeological Assessment  

(n) 2008 Clean Air Hamilton Progress Report (PED09144) (City Wide) (Item 7.1)

On a Motion this Item was deferred until a future meeting when there would be the proper time to listen to the presentation and then debate the report.

Doctor Brian McCarry, Chair of Clean Air Hamilton, advised Committee that a new web site (www.hamnair.ca) is available which will give residents immediate access to air quality measurements.

(o) 2009 Green Venture Base Funding and Authority to Enter Into Agreements (PED09156) (City Wide) (Item 7.2)

The Committee approved the staff recommendations.

(p) Motions (Item 9)

None.

(q) Notices of Motion (Item 10)

None.
(r) General Information (Item 11)

(i) Proliferation of liquor licences in Westdale area (from Outstanding Business List, due date June 2, 2009) (Item 11.1)

On a Motion (Whitehead/Ferguson) the due date of this Item was changed to November 17, 2009, the target date for the Business Licensing By-law report.

(ii) Review of charity bingo fees (from Outstanding Business List, due date June, 2009) (Item 11.2)

On a Motion (Whitehead/Ferguson) the due date of this Item was changed to September 22, 2009.

(iii) News from the General Manager (Item 11.3)

Tim McCabe distributed a detailed meeting chart outlining when various staff reports will be presented to Committee.

On a Motion (Whitehead/Clark) the following afternoon Committee meetings were approved;

September 22, 2009, to consider the Sign By-law Report
October 6, 2009 to consider the new Commercial/Industrial zoning
October 20, 2009 to consider the Tree Cutting By-law Report
November 17, 2009, to consider issues related to Animal Control

The Clerk noted that she would confirm the scheduling of these meetings.

(s) Private and Confidential (Item 12)

On a Motion (Clark/Ferguson) Committee moved in Closed Session at 12:55 p.m. pursuant to Section 239 of the Municipal Act, 2001 and subsections (c) and (e) of Item 8.1 of the City’s Procedural By-law as the subject matters pertain to proposed or pending acquisition or disposition of land for municipal or local board purposes and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

On a Motion (Bratina/McHattie) the Committee reconvened in Open Session at 2:30 p.m.
(i) Hamilton-Wentworth District School Board, 0 DiCenzo Drive, Hamilton (PED09159) (Ward 7) (Item 12.1)

The Chair reported that direction was given to staff in Closed Session with nothing to report in Open Session.

(ii) Ontario Municipal Board Hearing respecting K. Swan, 1194 Scenic Drive, proposed rezoning to permit a daycare (Added Item 12.2)

Committee approved the staff recommendation as outlined in Item 15 of this Report.

Councillors Ferguson and Pasuta requested that their opposition be recorded.

(t) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 6:15 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
June 2, 2009
APPENDIX A TO ITEM 14 OF REPORT 09-012

Item 12.2: Ontario Municipal Board Hearing respecting K. Swan, 1194 Scenic Drive, proposed rezoning to permit a daycare

Kuldip Swan has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act R. S. O. 1990, c. P.13, as amended, from refusal by Council of the City of Hamilton to enact a proposed amendment to former Town of Ancaster Zoning By-law 87-57 to rezone lands composed of 1194 Scenic Drive from Agricultural “A” zone to Residential R1-582” to permit a proposed conversion of part of the residential dwelling to a day nursery for a maximum of 68 children.

MINUTES OF SETTLEMENT

The undersigned, by their solicitors, agree to a resolution of this appeal on the following terms:

1. We agree to make submissions to the Ontario Municipal Board on July 13, 2009, or sooner if an earlier date can be obtained from the Ontario Municipal Board, in support of these Minutes of Settlement to be filed as an Exhibit and attached to the Board Order.

2. We consent to an Order of the Ontario Municipal Board
   - Allowing the appeal of Kuldip Swan in part;
   - Approving the Zoning By-law Amendment attached as Appendix 1; and
• Withholding the Board’s final Order until the condition in Section 4 of these Minutes of Settlement has been satisfied.

3. Kuldip Swan will present professional land-use opinion evidence to the Board in support of the Zoning By-law Amendment attached as Appendix 1.

4. Kuldip Swan and Cindy Marie Patterson agree not to apply for any further permission to increase the capacity or size of the daycare for a period of ten (10) years from the date of the Board’s Order approving the Zoning By-law Amendment attached hereto as Appendix 1, nor will they appeal the City of Hamilton’s New Urban Official Plan and implementing Zoning By-law as they relate to the capacity or size of the daycare as permitted in the Zoning By-law attached as Appendix 1. A restrictive covenant shall be registered on title to the lands municipally known as 1194 Scenic Drive, Hamilton, to the satisfaction of the City Solicitor, to give effect to this undertaking. Kuldip Swan and Cindy Marie Patterson shall pay all registration costs and shall use their best efforts to obtain and register postponements of all other registered interests in the land to said restrictive covenant.

5. Upon the expiry of the ten (10) years outlined in Section 4, the City of Hamilton agrees to cooperate in any applications/proceedings required to remove the restrictive covenant from title. Any applications/proceedings required to remove the restrictive covenant shall be at the expense of Kuldip Swan and Cindy Marie Patterson.

Council – June 10, 2009
6. Kuldip Swan and Cindy Marie Patterson agree to satisfy the Hamilton Region Conservation Authority regarding the encroachment of an eavestrough on the north-westerly side of the existing dwelling through the site plan approval process. In the event that satisfactory arrangements cannot be made with the Hamilton Region Conservation Authority, Kuldip Swan and Cindy Marie Patterson agree to reroute the eavestrough to the satisfaction of the Hamilton Regional Conservation Authority and the City of Hamilton.

Dated this ___ day of May, 2009

City of Hamilton

________________________________________________________________________

By its solicitor
Michael Kovacevic

Dated this ___ day of May, 2009

Kuldip Swan and Cindy Marie Patterson

________________________________________________________________________

By their solicitor Nancy Smith
APPENDIX 1 TO MINUTES OF SETTLEMENT

CITY OF HAMILTON
BY-LAW NO. XXXX

To amend Zoning By-law No. 87-57 (Ancaster), as amended, respecting lands located at 1194 Scenic Drive, (Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Ancaster” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (former Town of Ancaster) in accordance with the provisions of the Planning Act;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone to the Residential “R1-582” Zone, the extent and boundaries of which lands are shown on a plan hereto annexed as Schedule “A”.

2. That Section 34 – Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

“R1-582” That notwithstanding the provisions of Paragraphs 11.1.1 and 111.1.2, of Subsection 11.1 “Residential R1 Zone” of Section 11: Residential “R1”, “R2” and “R3” Zones, and the provisions of Paragraph 7.12 b) of Subsection 7.12 Yard Encroachments and 7.14 a), iv), vii) and xvi) of Subsection 7.14 Parking and Loading of Section 7: General Provisions, are hereby modified to include the following special provisions for the property at 1194 Scenic Drive:

a) A Day Nursery for 35 children or less and three (3) classrooms within the detached dwelling legally existing on the date of the passing of this By-law.

b) Front Yard Setback (minimum): 5.5 metres.

c) Southerly Side Yard Setback (minimum) 1.5 metres.

d) Rear Yard Setback (minimum): 7.5 metres, except for 0.06 metres for the detached dwelling existing on the date of the passing of the By-law.

e) Height: 10.7 metres.

Council – June 10, 2009
f) Eaves projection into minimum rear yard (maximum): 1.5 metres, except for the detached dwelling existing on the date of the passing of the By-law, the eaves may project into the minimum rear yard a distance of not more than 0.06 metres.

g) Tandem Parking Spaces (maximum): 5 spaces, 1 of which shall be for the residential use.

h) Parking spaces in the Front Yard (maximum): 6 spaces.

i) All other uses in Section 11.1.1 shall be permitted.

j) All other provisions of Section 11.1.1 Permitted Uses, 11.1.2 Regulations, Section 7.12 Yard Encroachments, and Section 7.14 Parking and Loading, shall continue to apply.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON ___________________, IN BOARD FILE NO. PL090074.