The Economic Development and Planning Committee

AMENDED REPORT 07-010

May 22, 2007

9:30 a.m.
Council Chambers
Hamilton City Hall

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

Staff Present: T. McCabe, P. Mallard, D. Samis, K. West, M. Hazell,
G. Paparella, J. Goodram, J. Morgante – Planning and Development
L. Pasternak – Legal
J. Stephen – Public Works
A. Rawlings – City Clerk’s Office

AT THEIR MEETING OF MAY 30, 2007, COUNCIL MOVED ITEMS (i) AND (l ) FROM THE INFORMATION SECTION, AND ADDED THEM AS ITEMS 11 and 12 , RESPECTIVELY, AS NOTED BELOW;

The Economic Development and Planning Committee Presents Report 07-010 and Respectfully Recommends:

1. Demolition Permit – 52 Melbourne Street (PED07152) (Ward 1) (Item 5.1)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 52 Melbourne Street in accordance with By-Law 74-290 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;

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(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 and Licensing 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.

2. Demolition Permit – 92 West Avenue North (PED07154) (Ward 3) (Item 5.2)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 92 West Avenue North in accordance with By-Law 74-290 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 and Licensing 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. King Street West Business Improvement Area (B.I.A.) Appointment of the 2007-2010 Board of Management (PED07157) (Ward 2) (Item 5.3)
That the following individuals be appointed to the King Street West B.I.A.'s Board of Management for a four (4) year term:

- Councillor B. Bratina, Ward 2
- Frank Bergen, Owner, Mon Petit Chou, 300 King Street West
- Anne Marie Bergen, Mon Petit Chou, 300 King Street West
- Grace Graham, Visions from the Heart, 222 King Street West

4. **King Street West Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2007 (PED07159) (Ward 2) (Item 5.4)**

a) That the 2007 Operating Budget for the King Street West B.I.A. (attached as Appendix ‘A’ to Report PED07159) be approved in the amount of $9,000.

b) That the levy portion of the Operating Budget for the King Street West B.I.A. in the amount of $4,500 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The *Municipal Act*, 2001, to levy the 2007 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2007 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May</td>
<td>$2,250</td>
</tr>
<tr>
<td>June</td>
<td>$2,250</td>
</tr>
</tbody>
</table>

and that 2006 assessment appeals may be deducted from the levy payments.

5. **Hamilton Downtown Residential Loan Program - Reduction of Loan - 4, 8, 14, Forest Avenue and 207, 209 & 211 James Street South, Hamilton (PED07161/FCS07060) (Ward 2) (Item 5.5)**

(a) That the loan advanced under the Hamilton Downtown Residential Loan Program in the amount of $302,490 for 4, 8, 14, Forest Avenue and 207, 209 and 211 James Street South be reduced to $100,000 with repayment commencing July 1, 2007 as per the terms of the program;

(b) That sub-section (a) above is contingent on $202,490 being paid back immediately due to the sale of the existing shares of the Corporation registered as the owner of the property and there being four (4) guarantors of the loan; and,

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(c) That staff from the Downtown Renewal Division arrange for the appropriate amendment to the Loan Agreement entered into between the applicant and the City of Hamilton to reflect amendments to the loan as detailed in sub-sections (a) and (b) above.

6. Application to Amend the Ancaster Zoning By-law No. 87-57 for Lands Located at 1492 Wilson Street West (Ancaster) (PED07147) (Ward 12) (Item 6.2)

That approval be given to Zoning Application ZAC-07-003, 1340778 Ontario Inc., (Arie Koppelaar) owner, for a change in zoning from the Urban Commercial “C4-130” Zone to the Prestige Industrial-Holding “M2(H)” Zone, to permit industrial and ancillary uses, including professional offices and banks, for lands located at 1492 Wilson Street West, as shown on Appendix “A” to Report PED07147, on the following basis:

(a) That the zoning of the subject lands be changed from the Urban Commercial “C4-130” Zone to the Prestige Industrial-Holding “M2 (H)” Zone.

(b) That an ‘H’ Holding symbol be applied to the subject lands under Section 36(1) of the Planning Act, by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning. The Holding provision will prohibit the development of the subject lands until the applicant completes an Archaeological Assessment to the satisfaction of the Ministry of Culture and the Director of Development and Real Estate, Planning and Economic Development Department.

City Council may remove the ‘H’ symbol and, thereby, give effect to the Prestige Industrial “M2” Zone by enactment of an amending By-law once the condition is satisfied.

(c) That the Draft By-law, attached as Appendix “B” to Report PED07147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

7. Modification in Zoning By-law for Lands Located at 621 Highway No. 8 (Flamborough) (PED07150) (Ward 14) (Item 6.3)

That approval be given to Zoning Application ZAR-07-008, Rockton Berry Farm Inc, owner, to further modify the existing Agricultural “A-41” Zone to permit a convenience food restaurant and a retail establishment, excluding any open storage only within the existing building, for lands located at 621 Highway No. 8 (Flamborough), as shown on Schedule “A” to Report PED07150, subject to the following:
(a) That the draft By-law, attached as Appendix “B” to Report PED07150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

8. Modification in Zoning for Lands Located at 272-274 Main Street West (Hamilton) (PED07146) (Ward 1) (Item 6.4)

That approval be given to Zoning Application ZAR-06-106, Susan Kai, applicant, for a modification to the existing “E” (Multiple Dwellings, Lodges, Clubs, etc.) District to permit a ground floor apartment to be converted to general offices, for lands located at 272-274 Main Street West (Hamilton), as shown on Appendix “A” to Report PED07146, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07146, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

9. Application for Approval of a Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED07148) (Ward 11) (Item 6.6)

(a) That approval be given to Draft Plan of Subdivision Application 25T-200605 by Empire Communities (Binbrook) Ltd., owners, to establish a Draft Plan of Subdivision known as “Summerlea West”, on lands located within Lot 3, Concession 4, 3385 Binbrook Road, (Binbrook), as shown on Appendix “A” to Report PED07148, subject to the following conditions:

(i) That this approval apply to “Summerlea West”, prepared by Armstrong Hunter and Associates, and certified by Bryan Jacobs, OLS, dated February 16, 2006, as red-line revised, showing 92 lots (Lots 1-92) for single detached dwellings, 24 lot-less blocks (Blocks A1 to A24) for a maximum of 340 single detached dwellings, one block (Block D) for mixed residential/commercial uses (approximately 140 dwelling units), two blocks (Blocks E and J) for a maximum of 190 townhouse dwelling units, one block (Block F) for an Elementary School, one block (Block G) for a Neighbourhood Park, one block (Block H) for a stormwater management
pond, one block (Block I) for open space and public access, one block (Block K) for a stormwater management channel, and one block (Block B) for a road widening from Binbrook Road, the extension of four existing streets (Gowland Drive, Whitwell Way, Winwood Drive, and Voyager Pass), and the creation of nine new streets (“Streets “A” to “I”), attached as Appendix “C” to Report PED07148, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E”.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:

1. That the City will cost share 50% for the equivalent of a 1.5m high galvanized fence that abuts City parkland (Block G), to be paid from the Development Charge Reserve.
2. That there will be a City Development Charge contribution for the land component and construction costs of the Stormwater Management Pond, as identified in the Development Charges Background Study to the pre-determined upset limit amount.
3. Any pavement widths greater than 8.0 metres within the subdivision limits.
4. Any municipal works adjacent to the frontage of the park.
5. Any watermain oversizing greater than 300 millimetres.

(b) That approval be given to Official Plan Amendment Application OPA-06-05, by Empire Communities (Binbrook) Ltd., owners, for Official Plan Amendment No.____, to amend Schedule “B”, Binbrook Village Secondary Plan Land Use Plan, from “Low Density Residential” to “Drainage Channel/Public Walkway”, from “Medium Density Residential” to “Low Density Residential”, from “Corner Retail” to “Low Density Residential”, and from “Low Density Residential” to “Stormwater Management Facility”, of the Official Plan for the Township of Glanbrook, on lands located within Lot 3, Concession 4, (Binbrook), on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “F” to Report PED07148, be adopted by City Council.

(c) That approval be given to Zoning Application ZAC-06-20, by Empire Communities (Binbrook) Ltd., owners, for changes in zoning from the Restricted Agricultural “A2” Zone to the Institutional “I” Zone, (Block 1), to the Public Open Space “OS2” Zone (Block 2), to the Open Space-Conservation “OS3” Zone, (Block 3), to the Residential “R4-220” Zone (Block 4), to the Residential Multiple “RM3-219” Zone (Block 5), to the Residential Multiple “RM4-
217” Zone (Block 6), and to the Residential “R4-218” Zone (Block 7), to permit single detached dwellings, townhouse dwellings, mixed use residential /commercial, a neighbourhood park, an elementary school, and storm water management facility and channel, on lands located within Lot 3, Concession 4, 3385 Binbrook Road, as shown on Schedule “A” of Appendix “D” to Report PED07148, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED07148, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on May 22, 2007, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “H”, of Zoning By-law No. 464.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Township of Glanbrook upon finalization of Official Plan Amendment No.__.

10. Amendment to the City of Hamilton Licensing By-law No. 06-213 Schedule 25 - Taxi Licensing (PED07076(a)) (City Wide) (Item 6.7)

That approval be given to the revised City of Hamilton Licensing By-law, attached as Appendix “A” to Report PED07076(a), on the following basis:

(a) The addition of the following subsections to Schedule 25 - Taxi Licensing:

(i) Subsections 29(8) and 29(9) do not apply to a taxicab owner issued a new licence from the Priority List who is sixty-five (65) years old or older and he or she shall be subject to all other applicable provisions of this Schedule and By-law.

(ii) Subsections 29(8) and 29(9) do not apply to a taxicab owner issued a new licence from the Priority List who dies during the five (5) year period after his or her licence is issued and the estate of a taxicab owner shall be subject to all other the applicable provisions of this Schedule and By-law.

(b) That Recommendation (a)(ii), above, be deemed to apply in the case of City of Hamilton Taxicab Licence No. 402, to the benefit of the estate of Mr. Paul Hathaway, effective as of the passing of the By-law identified in Recommendation (e), below.

(c) The incorporation of the revised Taxicab Priority List, as shown in Appendix “B” attached to Report PED07076(a), into Schedule 25 - Taxi Licensing which includes approval of the following revisions:
(i) Removal of the names of Cecil Snow and Hans Wienhold who each have received one (1) new taxicab owner licence available in 2006 from the 2005 Taxicab Priority List.

(ii) Removal of the name of George Kepenyes with the next individual on the Taxicab Priority List being invited to submit an application for the third new taxicab owner licence available in 2006 from the 2005 Taxicab Priority List.

(d) The incorporation into the By-law of corrections to the typographical, stylistic and punctuation errors, as shown in Appendix “C” attached to Report PED07076(a).

(e) That the By-law, attached to Report PED07076(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(f) That Reports PED07076 and PED07076(a) be received.

AT THEIR MEETING OF MAY 30, 2007, COUNCIL MOVED ITEMS (i) FROM THE INFORMATION SECTION, AND ADDED IT AS ITEM 11 AS NOTED BELOW;

Item 11 Applications for Amendments to the Hamilton Official Plan and Zoning By-laws for Lands Located at 460 Rymal Road West, (Hamilton) (PED07151) (Ward 8) (Item 6.5)

(a) That approval be given to Official Plan Amendment Application OPA-07-01, 1080943 Ontario Inc., (Restivo, Lanza and Yachetti), owners, for a change in designation on Schedule “A” – Land Use Concept of the City of Hamilton Official Plan, from “Commercial” to “Major Institutional”, on lands located at 460 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07151, on the following basis:

(i) That the subject lands be redesignated from “Commercial” to “Major Institutional”.

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07151, be adopted by City 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 Application ZAC-07-001, 1080943 Ontario Inc., (Restivo, Lanza and Yachetti), owners, for a change in zoning from the “G-4/S-1330a” (Designed Neighbourhood Shopping
Area) District, Modified in By-law No. 6593, to the Major Institutional (I3) Zone in By-law No. 05-200, to permit a retirement home for lands located at 460 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07151, subject to the following:

(i) That the subject lands are to be zoned Major Institutional “I3” Zone in Zoning By-law 05-200.

(ii) That the draft By-law, attached as Appendix “C” to Report PED07151, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until such time as a Noise Study has been completed to the satisfaction of the Director of Development and Real Estate, and an Archaeological Assessment has been completed to the satisfaction of the Director of Development and Real Estate and the Ministry of Culture.

(iii) That upon finalization of the implementing By-law, the Falkirk East Neighbourhood Plan be amended to change the designation of the subject lands from “Commercial” to “Major Institutional”.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan of the City Of Hamilton upon finalization of proposed Official Plan Amendment No.___.

CARRIED

AT THEIR MEETING OF MAY 30, 2007, COUNCIL MOVED ITEM (I) FROM THE INFORMATION SECTION, AND ADDED IT AS ITEM 12 AS NOTED BELOW;

Item 12 Airport Employment Growth District Study – Terms of Reference (PED07153/PW07068) (City Wide) (Item 7.1)

(a) That staff be authorized and directed to issue a Request for Proposal to engage the services of a consulting team to conduct Phase 1 of the Airport Employment Growth District Study per the attached Terms of Reference outlined in Appendix B of Report PED07153/PW07068.

(b) That the General Managers of the Planning and Economic Development Department and the Public Works Department be authorized and
directed to negotiate with the selected Phase 1 Consultant Team to continue with Phase 2 of the Study provided that performance expectations for Phase 1 are met or exceeded and costs are reflective of the expected work.

(c) That staff be authorized and directed to establish a Community Liaison Committee that will provide input to the Airport Employment Growth District Study throughout Phases 1 and 2 and report back to Committee of the Whole for their approval.

(d) That decisions regarding the Airport Employment Growth District Study be presented and decided at special Committee of the Whole meetings for the duration of the project. CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

The Clerk advised of the following changes:

(i) Item 6.1 - Alex Matheson cannot attend today due to work commitments and has asked to speak to Committee on June 5, 2007.

(ii) Item 7.2 - the presentation from Clean Air Hamilton is also being postponed to a later meeting, as Brian McCarr has a work conflict.

Committee approved the Agenda, as amended

(b) Declarations of Interest

Councillor Ferguson declared an interest in Item 6.7, as he is an owner of plates within the taxi business.

(c) Approval of Minutes
Committee approved the Minutes of the Economic Development and Planning Committee meeting of May 8, 2007.

(d) Demolition Permit – 52 Melbourne Street (PED07152) (Ward 1) (Item 5.1)

Councillor McHattie requested that the alternate staff recommendation to require a building permit, be approved for this proposal.

Committee agreed and passed the appropriate Motion.

(e) Alex Matheson, respecting his proposal “Going White for the Environment” (Delegation approved on May 8, 2007) (Item 6.1)

The Chair confirmed that Mr. Matheson cannot attend today and will be speaking to us on June 5, 2007

(f) Application to Amend the Ancaster Zoning By-law No. 87-57 for Lands Located at 1492 Wilson Street West (Ancaster) (PED07147) (Ward 12) (Item 6.2)

A Public Meeting was held.

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved and/or Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Cam Thomas outlined the report to Committee.
The agent for the application confirmed that he is in support of the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

**Modification in Zoning By-law for Lands Located at 621 Highway No. 8 (Flamborough) (PED07150) (Ward 14) (Item 6.3)**

A Public Meeting was held.

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved and/or Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Kristen West outlined the report to Committee. She explained the background to the current zoning on the property and how the proposed LCBO outlet would permit the store to open year round.

George Zajac, Planning and Engineering Initiatives, advised Committee that his clients supported the staff recommendation.

Dianne Fredericks, the owner of the Rockton General Store, addressed Committee and explained her concerns. She noted that the Rockton General Store operated as a convenience store, as well as Post Office and ATM for the village and surrounding community. She was concerned that allowing the Rockton Berry Farm to operate as a second convenience store would have a negative impact on her business. Ms. Fredericks advised that she was not opposed to the Rockton Berry Farm operating as it did right now and was not opposed to it having the LCBO outlet. Ms. Fredericks submitted a copy of her letter for the public record.
Bill Janssen, 2550 Norman Road, Branchton, addressed Committee as the owner of the Rockton General Store building. He confirmed that he did not own the business. He gave a brief background of the store building, constructed in the early 1800’s noting it had been a general store for many years. Mr. Janssen explained that he has renovated the store and that he would like to purchase the old livery stable at the back of the store, from the City.

Mr. Janssen explained he had also applied for the LCBO outlet, but had been unsuccessful. He said that if two convenience stores operated within such a small area, neither would be successful.

Mr. Janssen submitted a copy of his letter for the public record.

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

Committee approved the staff recommendation.

(h) Modification in Zoning for Lands Located at 272-274 Main Street West (Hamilton) (PED07146) (Ward 1) (Item 6.4)

A Public Meeting was held.

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

David Samis outlined the report to Committee, and explained that one ground floor unit would be used as a general office.

Susan Kai addressed Committee in support of the staff recommendation.

No members of the public came forward to address Committee.

Tim McCabe provided a brief overview of the planning policy which permits the preliminary circulation of an application to be waived, in certain circumstances.

Committee approved the staff recommendation.

(i) Applications for Amendments to the Hamilton Official Plan and Zoning By-laws for Lands Located at 460 Rymal Road West, (Hamilton) (PED07151) (Ward 8) (Item 6.5)

A Public Meeting was held.
Chair Mitchell advised the meeting that, pursuant to the Planning Act, the following statements apply:

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved and/or Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Kristen West outlined the report to Committee. Ms West noted that following the public circulation, one letter of concern had been received, from St. Elizabeth Village. The letter expressed support for maintaining the commercial zoning on the property, since their residents did not have adequate commercial facilities in their immediate area.

Ms. West explained that the Official Plan encouraged the grouping of institutional uses, that parking is being provided in excess of the zoning requirements and that there will be no driveway access from the development to Garth Street. She added that the OP already allowed the proposed use but that a map change is needed.

Sean Hourigan, agent for the seniors’ building proposal and Ron Passimi, architect for the development, addressed Committee in support of the application. Mr. Hourigan explained that this would not be a care home but would provide apartment accommodation for active seniors and that his company had already developed several like this type of facility.

Mr. Passimi ran through some design details, noting that parking would be provided in excess of the minimum by-law requirements, that due to the slope of the land, there would be little or not overlooking of the adjacent backyards from the new complex, and very few shadow impacts from the building. Mr. Passimi confirmed that a shadow study had been completed, and provided copies of building elevations and site plan details.

The applicants indicated that the required noise study should be completed by the end of the week, and that the archaeological study had already been submitted to the Ministry of Culture for their review.
Councillor Whitehead raised a number of concerns which had been made to him by local residents. These included the lack of nearby commercial facilities, the lack of convenient transit in the area (the transit routes run north-south but not east-west), the overflow of parking from such institutional uses, the potential of loss of privacy for the adjacent single family homeowners, and the height of the building.

Staff and the applicant advised that the building would be 3 storeys, approximately 13 metres high, whereas the zoning allowed 18 metres, that Transit had advised that there was adequate service in the area, that there would be few privacy issues for existing residents and that parking was being provided in excess of the by-law requirements.

No one from the public came forward to address Committee on the application.

On a Motion (Whitehead/McHattie) the following recommendation was tabled to Council:

(a) That approval be given to **Official Plan Amendment Application OPA-07-01, 1080943 Ontario Inc., (Restivo, Lanza and Yachetti), owners**, for a change in designation on Schedule “A” – Land Use Concept of the City of Hamilton Official Plan, from “Commercial” to “Major Institutional”, on lands located at 460 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07151, on the following basis:

(i) That the subject lands be redesignated from “Commercial” to “Major Institutional”.

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07151, be adopted by City 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 Application ZAC-07-001, 1080943 Ontario Inc., (Restivo, Lanza and Yachetti), owners**, for a change in zoning from the “G-4/S-1330a” (Designed Neighbourhood Shopping Area) District, Modified in By-law No. 6593, to the Major Institutional (I3) Zone in By-law No. 05-200, to permit a retirement home for lands located at 460 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07151, subject to the following:

(i) That the subject lands are to be zoned Major Institutional “I3” Zone in Zoning By-law 05-200.
(ii) That the draft By-law, attached as Appendix “C” to Report PED07151, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until such time as a Noise Study has been completed to the satisfaction of the Director of Development and Real Estate, and an Archaeological Assessment has been completed to the satisfaction of the Director of Development and Real Estate and the Ministry of Culture.

(iii) That upon finalization of the implementing By-law, the Falkirk East Neighbourhood Plan be amended to change the designation of the subject lands from “Commercial” to “Major Institutional”.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan of the City Of Hamilton upon finalization of proposed Official Plan Amendment No.___.

(j) Application for Approval of a Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED07148) (Ward 11) (Item 6.6)

Chair Mitchell advised that one additional submission had been received from Paletta International, and distributed this morning.

A Public Meeting was held.

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

Paul Moore outlined the report to Committee and explained the minor changes proposed to the by-law. Mr. Moore advised that Paletta, an adjacent landowner, had concerns about the drainage which would flow from the development. He noted that this is addressed in a draft plan condition.

Mr. Moore explained that the development will not proceed until the applicant has demonstrated that adequate services are available and until the proposed intersection at Fall Fair Way and Highway 56 is operational.

The applicant has advised that he supports the staff recommendation.

No one from the public came forward to address Committee on this issue.
Committee discussed the applications and had additional information supplied by staff.

Committee asked questions and raised concerns, and staff responded, as follows:

- provision of sidewalks on both sides of streets? / yes
- number of new schools to be built in Binbrook / 5
- location of City schools being closed to allow these new ones / unknown
- Committee needs to see the School Board presentation on school closures
- impact of storm water ponds on adjacent agriculture / conditions require some pre- and post-development flows
- concern that storm water flows would adversely affect adjacent farmland and farm practice
- concern about urban sprawl when old City has intensification and brownfield opportunities
- new residential units provide opportunities for people from area to remain there, as well as providing housing for people from outside Hamilton

Committee approved the staff recommendation. Councillor McHattie requested his opposition, due to urban sprawl and the adverse impact on existing Hamilton schools, be noted.

Amendment to the City of Hamilton Licensing By-law No. 06-213 Schedule 25 - Taxi Licensing (PED07076(a)) (City Wide) (Item 6.7)

Chair Mitchell advised that this Public Meeting, pursuant to the Municipal Act, had been advertised in the local papers. He noted that a previous Public Meeting had been held earlier in the year, but that Committee had directed staff to further review the sections of the proposed by-law dealing with the transferability of taxi plates for older/deceased persons on the list.

Marty Hazell gave an overview of the changes to the By-law, and specifically the section dealing with the transferability of plates for older/deceased persons on the list. Mr. Hazell confirmed that the appropriate changes had been made to schedule 25 of the proposed by-law.

Manfred Rudolph addressed Committee on behalf of several taxi drivers, including the estate of Paul Hathaway. Mr. Rudolph thanked Committee and Licensing staff for bringing forward the changes needed to the by-law, to allow older/deceased drivers to be properly dealt with.

Peter Eldridge addressed Committee in support of the amended by-law. He thanked Committee and staff in Licensing for listening to and acting on the
concerns of the taxi drivers. Mr. Eldridge asked that his thanks be conveyed to the Licensing staff involved in this issue.

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

Committee members expressed their thanks to the staff of the Licensing Department who had worked so hard to bring forward this amended by-law.

Committee approved the staff recommendation.

(l) Airport Employment Growth District Study – Terms of Reference (PED07153/PW07068) (City Wide) (Item 7.1)

Chair Mitchell advised that two additional written submissions had been distributed today, one from Michael Desnoyers, Hamiltonians for Progressive Development, and one from Sydney Hamber, J.J. Barnicke.

Guy Paparella provided an overview of the staff report and recommendations with the aid of a powerpoint presentation. He explained the Ontario Municipal Board decision on the matter and the two-phase approach to the Request for Proposals. He emphasized that public input and participation in the project was essential, and gave an overview of the proposed Community Liaison Committee (CLC) and how this would be an integral part of a very complex and lengthy process.

Mr. Paparella recommended that major milestones in the planning process should be considered at special Committee of the Whole meetings.

Committee discussed the matter in detail and had additional information supplied by staff. In response to questions from Councillor Ferguson, Mr. Paparella explained that the very earliest that shovel-ready land would be March-May 2010, and that it is not the intent of staff to recommend expropriation of land in the area or for the City to be a major landowner, with the exception of limited areas for easements or rights-of-way.

Councillor Ferguson noted the importance of providing employment opportunities while being respectful of the needs of existing communities, old family farms and the traffic and other impacts which the development would bring about.

In response to questions from Councillor Whitehead, Mr. Paparella further explained the details of the OMB decision and the composition of the CLC and that while very unlikely, expropriation could be needed in certain circumstances.
Committee then discussed the area representation on the CLC. Councillor Whitehead proposed a Motion to require that one of the members had to be a resident of the Mountain but this was not seconded. Committee agreed that representation from the affected areas was needed, that the advertisements being placed for the CLC should reflect this, and that the Selection Committee would consider this.

Councillor McHattie noted the importance of the public process being proposed and the joint work of Planning and Public Works staff. He suggested that the matter be tabled, pending a meeting with representatives from HPD, to address the concerns raised in their letter today and in previous letters.

Councillor Bratina noted the importance of the study on the Port to Airport rail link and how this link could be a significant economic advantage in the future.

Committee continued their discussion.

Councillor Whitehead assumed the Chair. Councillor Mitchell asked for an update on timing for the upgrading of Twenty Road. He explained that due to the significant amount of residential development which uses this road, and the associated safety issues, the road should be upgraded from its present rural cross section. In addition, people in the area do not wish to have airport commercial development across from their homes.

Mr. Paparella explained the position regarding roads which delineated urban boundaries, advised that if the subject development proceeds, staff will be looking at upgrading the road within 3-5 years but that development on the other side of road will probably be commercial, as part of the employment lands. No residential lands are proposed within this area.

Councillor Mitchell resumed the Chair.

Councillor Whitehead read noted concerns respecting the urbanization of rural cross section roads in his Ward.

Councillor Pasuta enquired about the potential for native land claims in the area, and staff responded that there were no claims but that the community had concerns respecting the potential archaeological significance of the area.

Councillor Ferguson requested information about the source of the money for the proposed infrastructure and staff responded that the majority of money would come from development charges.

On a Motion (McHattie/Duvall), the following staff recommendation was tabled to Council:

Council – May 30, 2007
(a) That staff be authorized and directed to issue a Request for Proposal to engage the services of a consulting team to conduct Phase 1 of the Airport Employment Growth District Study per the attached Terms of Reference outlined in Appendix B of Report PED07153/PW07068.

(b) That the General Managers of the Planning and Economic Development Department and the Public Works Department be authorized and directed to negotiate with the selected Phase 1 Consultant Team to continue with Phase 2 of the Study provided that performance expectations for Phase 1 are met or exceeded and costs are reflective of the expected work.

(c) That staff be authorized and directed to establish a Community Liaison Committee that will provide input to the Airport Employment Growth District Study throughout Phases 1 and 2 and report back to Committee of the Whole for their approval.

(d) That decisions regarding the Airport Employment Growth District Study be presented and decided at special Committee of the Whole meetings for the duration of the project.

Mr. Paparella explained that TradePort is working on a letter respecting the extension to the runway, for consideration at the Airport Task Force meeting of June 8, 2007.

At this point, Chair Mitchell recognized and welcomed a group of students from the Hamilton District Christian High School.

(m) 2005/2006 Clean Air Hamilton Progress Report (PED07145) (City Wide) (Item 7.2)

Chair Mitchell confirmed that this report would be considered at a future meeting.

(n) Building Permit Information (Item 11.1)

Jorge Caetano provided Committee with an update respecting this matter. He noted that the information supplied to the Spectator took 15 hours to produce and that a complete review of all permits issued in the last 18 months would take 800 hours or 20 weeks, as the current database cannot issue this type of custom reports.

Committee discussed the ways in which the reports could be produced more quickly, and staff confirmed that this item was being considered within the ongoing departmental review.
Committee discussed the matter of construction taking place without the issuance of a building permit and staff provided further information. Staff noted that the random sample of 120 addresses for the Spectator indicated approximately one third of residential construction started before the issuance of a permit and that this was probably representative of the situation.

Mr. McCabe agreed that a problem existed, and suggested that we should now move forward to fix it, as part of the departmental review. He would bring forward an action plan after the review.

Mr. Caetano provided extracts from the Ministry of Municipal Affairs and Housing guidelines for building permit inspection and compliance. Committee expressed further concerns about the process, timing, inspections and follow-up by use of Orders to Comply or verbal persuasion. Mr. Caetano provided additional information and noted that staff is already working on a policy to improve the current procedures.

On a Motion (Pearson/Ferguson), the item was removed from the Outstanding Business List.

(o) 56 Windemere Road, Kevin Dhinsa (PED07149) (Ward 11) (Item 8.1)

Chair Mitchell asked if Kevin Dhinsa was present to address Committee on this issue. As Mr. Dhinsa was not present, on a Motion (Pearson/Pasuta), Committee postponed the item to a future meeting.

(p) Notice of Motions (Item 10)

SISO proposal respecting use of Auchmar (Councillor Whitehead) (Item 10.1)

Councillor Whitehead advised that he did not wish to speak to his Notice of Motion at this time.

(q) General Information (Item 11.1)

Councillor Whitehead outlined his concerns regarding the proposed development of lands adjacent to the Mountain Brow, within his Ward, without a Secondary Plan being in place to guide this proposal.

He noted that he had requested 2 ½ years ago that a Secondary Plan be prepared and outlined his concerns that in the absence of such a plan, the Council – May 30, 2007
proposed development of this area was being driven by the wishes of the developer and not the City.

Mr. McCabe responded that there were appropriate ways to deal with the proposed development of this area, without requiring a full Secondary Plan process. He offered to meet with Councillor Whitehead and review these options.

Councillor Whitehead agreed with Mr. McCabe’s suggestion to meet and discuss alternate ways to address the issues.

(r) Adjournment

On a Motion, the Economic Development and Planning Committee adjourned at 12:40 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

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