AT THEIR MEETING OF OCTOBER 13, 2010, COUNCIL AMENDED THE REPORT AS NOTED BELOW;
THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 10-020 AND RESPECTFULLY RECOMMENDS:

1. Application for Approval of an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 800 Upper Wentworth Street (Hamilton) (PED10135(a)) (Ward 7) (Item 5.1)

That Report PED10135(a), Application for Approval of an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 800 Upper Wentworth Street (Hamilton) (Ward 7), be received for information.
2. Request the Province of Ontario to Review the Legislation that Governs Rebates for Vacant Commercial and Industrial Properties (PED10166/FCS10064) (Wards City Wide) (Item 5.2)

   a) That Council request the Minister of Finance for the Province of Ontario to review the legislation that governs tax rebates for vacant commercial and industrial properties and establish a committee for the purpose of the review with membership comprised of municipalities, business and industry leaders; and

   b) That staff from the Downtown and Community Renewal Division be directed to implement an outreach program for the purpose of informing eligible property owners who have received vacancy tax rebates for commercial and industrial properties for two or more consecutive years, of the financial incentive programs available for property development/redevelopment within the City’s downtowns, Business Improvement Areas and historic retail streets.

3. Ontario Realty Corporation (ORC) Surplus Land - Project 8098 – Located at 527 Highland Road West, Described as Part of Lot 33, Concession 8, former Township of Saltfleet, now City of Hamilton (PED10209) (Item 5.3)

   a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC), acting as agent on behalf of Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal that the City of Hamilton has no interest in acquiring their land, located at 527 Highland Road West, legally described as Part of Lot 33, Concession 8, in the former Township of Saltfleet, now City of Hamilton, being Part of PIN 16932-0017(LT), as shown on Appendix “A” attached to Report PED10209; and,

   b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the ORC of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” section of Report PED10209.

4. Request to Designate a portion of the former Toronto, Hamilton & Buffalo Railway right-of-way, Under Part IV of the Ontario Heritage Act (PED10222) (Ward 1) (Item 5.4)

   a) That the request to designate a portion of the former Toronto, Hamilton & Buffalo Railway right-of-way, under Part IV of the Ontario Heritage Act, not be pursued and that Staff be directed not to undertake a full Cultural Heritage Assessment Report.
(b) That Report PED10222 be forwarded to the Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. for information.

(c) That Report PED10222 be forwarded to the Hamilton Municipal Heritage Committee for information.

(d) That Report PED10222 be forwarded to the Public Works Department for information.

(e) That Report PED10222 be forwarded to the Hamilton Historical Board for information.

(f) That Report PED10222 be forwarded to the Owners of 10 Ewen Road, 45 Ewen Road, 1579 Main Street West, 1733 Main Street West and 0 Rymal Road West (Hydro One) for information.

5. Declaration of Surplus Land and Sale of Easement to Union Gas Limited – Part of 1227 Stone Church Road East, Hamilton (PED10232) (Ward 6) (Item 5.5)

(a) That the subject lands, described as Parts 1, 2, 3 and 4, on Plan 62R-18781, being part of PIN 16984-0448 (LT), and forming part of 1227 Stone Church Road East, Hamilton, having an area of 11,550 square feet (0.265 acres) as shown on Appendix “A” attached to Report PED10232, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law 04-299;

(b) That an Offer to Purchase (Easement) by Union Gas Limited scheduled to close on or before November 25, 2010 for the land described in Recommendation (a) be approved and completed at the sale price of $1.00;

(c) That the sale price of $1.00 does not include the Harmonized Sales Tax; should HST be applicable and collected by the City, that the amount be credited to Account No. 22828 009000 (HST Payable);

(d) That the sum of $1,500.00 for Real Estate Administration fees in the amount $1,000.00 and appraisal fees of $500.00 be funded from Account No. 54375-7400341100 and credited to Account No. 47703-3560150200 (Capital - Property (Easement) Purchases and Sales) and to Account No. 45409-3560150200 (Appraisal Fees);

(e) That any disbursements, legal fees and expenditures incurred by Legal Services be funded from Account No. 52425-7400341100; and,
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(f) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following:

(i) That as required by Section 3 (a) of By-Law 04-299, the subject lands be declared surplus by inclusion in this Report to City Council;

(ii) That an internal appraisal for the fair market value of the property to be sold was completed on September 20, 2010. Because the easement is for the sole benefit of and exclusive use of the Multi-Agency Training Centre, its conveyance will be at the nominal sum of $1.00; and,

(iii) That in accordance with the approved method of providing notice in the City of Hamilton By-Law No. 04-299 “Procedural By-Law for the Sale of Land”, Section 12 (a) (6), notice to the public of the proposed sale of land is given by inclusion of this recommendation to City Council.

6. Acquisition of Part of 1400 Stone Church Road East, Hamilton from Hamilton Region Conservation Authority (HRCA) (PED10233) (Ward 6) (Item 5.6)

(a) That the City of Hamilton’s Offer to Purchase, executed by the Hamilton Region Conservation Authority (HRCA), and scheduled to close on or before December 15, 2010, to purchase the lands described as Part of Lots 1 and 2, Concession 8, in the former Township of Barton now in the City of Hamilton, described as Parts 1, 2, 3 and 4, on Plan 62R-18714, having an area of 3.38 hectares (8.34 acres) more or less, and being part of PIN 16931-0071(LT), and Roll No. 251806058101850, known municipally as 1400 Stone Church Road East, as shown on Schedule “A” attached to Report PED10233, be approved and completed, at the purchase price of $390,000;

(b) That subject to approval of Recommendation (a) the total acquisition costs in the amount of $410,437.00 (including purchase price, legal fees, real estate and appraisal costs) be charged to Capital Project ID 59259-5180980983;

(c) That as consideration, the amount of $2 paid to the owners pursuant to the agreement, be deducted from the purchase price;

(d) That the Mayor and Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor; and,

(e) That the costs incurred for the provision of Real Estate’s service in the amount of $7,957.00 (inclusive of an internal appraisal) be credited to Account 45408-3560150200 (Property Purchases and Sales) and debited from Project ID 59259-5180980983.
7.  **High Risk Properties (PED10234) (City Wide) (Item 5.7)**

That Report PED10234, High Risk Properties (City Wide), be received for information.

8.  **Ontario Realty Corporation (ORC) Surplus Land - Project 8099 - Located at 1565 Stone Church Road East, Described as Parts 11, 12 and 18, Plan 62R-11328, and Part of Lot 34, Concession 7 in former Township of Saltfleet, now City of Hamilton (PED10236) (Wards 6 and 9) (Item 5.8)**

(a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring their land located at 1565 Stone Church Road East, legally described as Parts 11, 12 and 18, Plan 62R-11328, and Part of Lot 34, Concession 7 in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED10236; and,

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the ORC of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” Section of Report PED10236.

9.  **“Project Compliance” Status Report (PED10049(c)) (Wards 1, 2, 3, 4, 5, 6, 7 and 8) (Item 5.9)**

That Report PED10049(c), “Project Compliance” Status Report (Wards 1, 2, 3, 4, 5, 6, 7 and 8), be received for information.

10. **Lot Grading and Drainage PED10091(a) (City Wide) (Outstanding Business List Item) (Item 5.10)**

That Report PED10091(a), Lot Grading and Drainage (City Wide) (Outstanding Business List Item), be received for information.

11. **Declaration of Surplus and Sale of 00 West Avenue East, Hamilton to 1583123 Ontario Limited, (Losani Homes) (PED10231) (Ward 11) (Item 5.11)**

Council – October 13, 2010
(a) That the subject land, known as 00 West Avenue, Stoney Creek, is a landlocked parcel west of West Avenue, identified as Part of Lot 5, Concession 1, formerly of the Township of Saltfleet, comprising an area of 1,881.3 square metres (0.46 acres) more or less, and forming PIN 17368-0051 (LT) and Roll No. 250310011017400 (as shown on Appendix “A” attached to Report PED10231), be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law for the Sale of Land, being By-law 04-299;

(b) That an Offer to Purchase executed by 1583123 Ontario Limited (Losani Homes), on August 13, 2010 and scheduled to close on or before November 17, 2010, for the lands described in Recommendation (a), be approved and completed and the sale proceeds of $175,000 be credited to Account No. 47702-3560150200 (Property Purchases and Sales);

(c) That the required deposit cheque in the amount of $17,500, being 10% of the purchase price be held by the General Manager of Finance pending acceptance of this transaction;

(d) That the sale price of $175,000 does not include the Harmonized Sales Tax (HST); should the HST be applicable and collected by the City, that the HST amount be credited to Account No. 22828 009000 (HST Payable); and

(e) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following:

(i) That as required by Section 3 (a) of By-Law 04-299, the subject lands be declared surplus by inclusion in this Report to City Council;

(ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on August, 12, 2010 and the sale price falls in the range of value of the appraisal; and,

(iii) That in accordance with the approved method of providing notice in the City of Hamilton By-Law No. 04-299 “Procedural By-Law for the Sale of Land”, Section 12 (a) (6), notice to the public of the proposed sale of land is given by inclusion of the recommendation by City Council to approve the Ridgeview draft plan of subdivision.

12. Hamilton LEEDing the Way, LEED Grant Program Application (LGP-10-02) - Canada Bread Company, Limited, 745 Nebo Road, Hamilton, ON (PED10230) (Ward 11) (Item 5.12)

(a) That Hamilton LEEDing the Way, LEED Grant Program Application LGP-10-02, submitted by Canada Bread Company, Limited, for the property forming 745
Nebo Road, Hamilton, for a LEED Grant not to exceed $1,124,357.85 payable to Canada Bread Company, Limited over a maximum of five (5) years, be authorized and approved in accordance with the terms and conditions of the LEED Grant Program Agreement; and,

(b) That the Mayor and Clerk be authorized and directed to execute, on behalf of the City, the LEED Grant Agreement with Canada Bread Company, Limited, referred to in subsection (a) with respect to the development of 745 Nebo Road, and all necessary associated documents, all in a form satisfactory to the City Solicitor.

13. Canadian Federation of Independent Business (CFIB) - Survey (PED10235) (City Wide) (Item 5.13)

That Report PED10235, Canadian Federation of Independent Business (CFIB) - Survey (City Wide), be received for Information.

14. Proposed Amendment to Fireworks By-law (HES10008) (City Wide) (Item 6.2)

(a) That By-law 02-285 ‘To Regulate the Sale and Use of Fireworks’ not be amended to include additional permissible dates or events for setting off family fireworks; and

(b) That staff develop an information package to include a list of authorized Display Fireworks Supervisors for the Greater Hamilton Area to assist cultural and religious groups that wish to undertake family fireworks in accordance with Item 6.2 of By-law 02-285 to be distributed to the various cultural and religious organizations and promoted via the print media and other various electronic means including the City of Hamilton and Hamilton Emergency Services websites; and

(c) That staff be directed to meet with interested groups to provide further clarification and guidance on the By-law and citizens’ abilities to discharge fireworks using the exemption currently provided within the Fireworks By-law.

15. Application for Approval of a Draft Plan of Condominium (Common Elements) for Lands Known as Block 69, Registered Plan 62M-1142, “Binbrook Heights”, South Side of Fall Fair Way (Glanbrook) (PED10217) (Ward 11) (Item 6.3)

That approval be given to Condominium Application 25CDM-201002, by Rob Geoff Properties Limited (Owner), to establish a Draft Plan of Condominium (Common Elements), “Fair Way Heights”, to create an internal road and visitor parking area for 28 townhouse units within Block 69 of Registered Plan 62M-1142, located at Fall Fair Way Council – October 13, 2010
and Garinger Crescent (Glanbrook), as shown on the attached location map marked as Appendix "A" to Report PED10217, subject to the following conditions:

(a) That this approval apply to the redline revised plan prepared by A.J. Clarke and Associates Ltd., and certified by B. J. Clarke, O.L.S., dated December 11, 2009, showing a common element roadway and visitor parking area, attached as Appendix “B” to Report PED10217.

(b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 464.

(c) That the owner shall finalize the submitted Part Lot Control Application (File No. PLC-10-016), to the satisfaction of the Director of Planning.

(d) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 28 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(e) That the Final Plan of Condominium shall comply, in all respects, with the Registered Plan of Subdivision, “Binbrook Heights”, 62M-1142, to the satisfaction of the Director of Planning.

(f) That prior to registration of the final plan, the owner shall agree to register an easement for drainage purposes over Block 69 of the Registered Plan of Subdivision, 62M-1142, in favour of the future Condominium Corporation, to the satisfaction of the Director of Development Engineering.

(g) That the owner shall pay the required amount of Municipal Act Watermain Best Effort Recovery Charge of $5,937.48 and $192,473.00 for the Binbrook Stormwater Management Pond, By-law #607-00, to the Budgets and Finance Division, Corporate Services Department, City Hall.

(h) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(i) That the owner shall agree to include the following warning clause(s) in the Development Agreement and all offers of purchase for sale and/or lease agreements:

i) “Purchasers/tenants are advised that on-street parking will not be permitted on the municipal roadway known as Fall Fair Way.”
ii) “Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium roadway.”

(j) That the owner shall apply for and receive approval of an Access Permit from the City of Hamilton, Traffic Engineering Section, Public Works Department.

(k) That the owner apply for and receive final approval of a site servicing plan to the satisfaction of the Director of Engineering.

(l) That the owner shall agree to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes.

(m) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

16. Applications for an Amendment to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for the Lands Located at 236 Pritchard Road (Hamilton) (PED10218) (Ward 6) (Item 6.4)

(a) That approval be given to **Official Plan Amendment Application OPA-10-011, by Alfonsi Development Corp., Owner**, to amend the Official Plan for the City of Hamilton Schedule “B-3” - Other Special Policy Areas, by redesignating the lands from the Special Policy Area 11 designation to the Special Policy Area 11(a) designation, to permit the additional use of a Professional Office within the existing building, for lands located at 236 Pritchard Road, as shown on Appendix “A” to Report PED10218, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10218, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning Application ZAR-10-031, by Alfonsi Development Corp., (Owner)**, for a change in zoning to City of Hamilton Zoning By-law No. 6593 from the “M-14” (Prestige Industrial) District to the “M-14/S-1636” (Prestige Industrial) District, with a Special Exception, and a change in zoning to City of Hamilton By-law No. 05-200 from the Council adopted Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 31) Zone, with a Special Exception, for the lands located at 236 Pritchard Road (Hamilton), as shown on Appendix “A” to Report PED10218, on the following basis:
(i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED10218, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law, attached as Appendix “C” to Report PED10218, be added to Schedule “E69c” of the City of Hamilton Zoning By-law No. 6593.

(iii) That the amending By-law, attached as Appendix “D” to Report PED10218, be added to Map No. 1501 of Schedule "A" - Zoning Maps of the Comprehensive Zoning By-law No. 05-200.

(iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Hamilton Official Plan upon finalization of Official Plan Amendment

17. Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 80 Creanona Boulevard (Stoney Creek) (PED10220) (Ward 11) (Item 6.5)

(a) That approval be given to Official Plan Application OPA-10-014, by Angelo Andreatta, Owner, for Official Plan Amendment No. to amend Schedule “A” General Land Use Plan and Schedule “A4” Urban Area Lakeshore Secondary Plan for lands located at the rear of 80 Creanona Boulevard, as shown on Appendix “A” (Block 2) to Report PED10220, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10220, be adopted by City Council.

(ii) 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-10-026, by Angelo Andreatta, Owner, for changes in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1), and to the Single Residential “R3-32” Zone, with a Special Exception (Block 2), in order to permit the development of 5 single-detached dwellings fronting onto Montreal Circle, as shown on Appendix “A” to Report PED10220, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10220, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [redacted].

18. Application to Amend Flamborough Zoning By-law 90-145-Z for a Property Located at 45 Brian Boulevard (Flamborough) (PED10223) (Ward 15) (Item 6.6)

That approval be given to Zoning Application ZAR-10-030, by Karen Bulmer, Owner, for changes in zoning from the Urban Residential “R1-6” Zone, Modified, to the Urban Residential “R1-47” Zone, Modified, with a Special Exception (Block 1), and to the Urban Residential “R1-25” Zone, Modified, with a Special Exception (Block 2), to permit single-detached dwellings on the lands located at 45 Brian Boulevard (Flamborough), as shown on Appendix “A” to Report PED10223, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Section 6 of Zoning By-law No. 90-145-Z as “R1-47”.

(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and the West Waterdown Secondary Plan.

19. Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough) (PED10226) (Ward 15) Item 6.7)

That approval be given to Zoning Application ZAR-10-032, by Silverwood Homes, Owner, for changes in zoning from the Urban Residential “R1-40” Zone, Modified to the Urban Residential “R4-4” Zone, Modified, with a Special Exception (Blocks 1 & 2); from the Urban Residential “R4-4” Zone, Modified to the Urban Residential “R1-40” Zone, Modified, with a Special Exception (Block 3); from the Urban Residential “R4-4” Zone, Modified to the Urban Residential “R1-52” Zone, Modified, with a Special Exception (Block 4); from the Medium Density Residential “R6-22” Zone, Modified to the Urban Residential “R4-4” Zone, Modified, with a Special Exception (Block 5); and from the Urban Residential “R4-4” Zone, Modified, to the Medium Density Residential “R6-22” Zone, Modified, with a Special Exception (Block 6), for lands located at 111 Parkside Drive (Flamborough), as shown as Appendix “A” to Report PED10226, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(b) That the amending By-law be added to Section 6 of Zoning By-law No. 90-145-Z as “R1-52”.

(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and the North Waterdown Secondary Plan.

20. Application for Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1 Lyndale Drive (Dundas) (PED10225) (Ward 13) (Item 6.8)

That approval be given to Zoning Application ZAR-10-023, by The Trustees of St. Mark’s United Church of Canada, Owner, for a change in zoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 32, H41) Holding Zone, Modified, with a Special Exception, and the Neighbourhood Institutional (I1, 33) Zone, Modified, with a Special Exception, on lands located at 1 Lyndale Drive (Dundas), as shown on Appendix “A” to Report PED10225, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED10225, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “A”, Map Nos. 901 and 943 of Zoning By-law No. 05-200.

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

21. Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at 366 Bay Street North (Hamilton) (PED10172) (Ward 2) (Item 6.10)

(a) That approval be given to Zoning By-law Amendment Application ZAC-09-046, by Clark Cerello, Owner, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwelling, etc.) District to the “DE/S-1634” (Low Density Multiple Dwelling, etc.) District, Modified, with a Special Exception, to permit a 3-storey, 6-unit multiple dwelling on lands located at 366 Bay Street North (Hamilton), as shown on Appendix “A” to Report PED10172, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED10172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to District Map “W-2” of Zoning By-law No. 6593.
(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the City Of Hamilton Official Plan.

(iv) That upon finalization of the implementing By-law, the North End West Neighbourhood Plan be amended by changing the designation of the subject lands from “Single and Double” Residential to “Medium Density Apartments”.

(b) That staff be directed to request the Ontario Municipal Board to amend the West Harbour Secondary Plan (“Setting Sail”) to add a site-specific policy area to permit a six-unit, multiple dwelling on lands located at 366 Bay Street North (Hamilton), as shown on Appendix “A” to Report PED10172.

22. Application for Approval of an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 and 319 Highway No. 8 (Stoney Creek) (PED10202) (Ward 10) (Item 6.11)

(a) That approval be given to Official Plan Amendment Application OPA-08-013, by Trebla Properties Inc., Owner, for Official Plan Amendment No. to amend Schedule “A1”, Western Development Area - Secondary Plan, from “Medium Density Residential” to “High Density Residential” of the Stoney Creek Official Plan, for lands located at 315 and 319 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED10202, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10202, be adopted by City Council.

(ii) 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 Official Plan Amendment Modification No. to the Urban Hamilton Official Plan to amend Map B.7.1-1, Western Development Area Secondary Plan - Land Use Plan, from “Low Density Residential 3c” to “High Density 1”, for lands located at 315 and 319 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED10202, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10202, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement.
That approval be given to Zoning Amendment Application ZAC-08-063, by Trebla Properties Inc., Owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM4-6” Zone, with a Special Exemption, to permit the development of a 7-storey, 44 unit apartment building with commercial uses on the ground floor, for lands located at 315 and 319 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED10202, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map No. 6 of Zoning By-law No. 3692-92.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. 450.

(d) That upon finalization of Official Plan Amendment No. 450, and the implementing Zoning By-law, the approved Poplar Park Neighbourhood Plan be amended to reflect the change in designation from “Medium Density Residential” to “High Density Residential”.

23. Application for Amendment to the Town of Flamborough Zoning By-law 90-145-Z for Lands Located at 341 Mountsberg Road (Flamborough) (PED10229) (Ward 15) (Item 6.12)

That Zoning Application ZAC-09-050, by Keith and Brenda Pickles, Owner, for a modification to the Agriculture “A” Zone, to permit two single-detached dwellings on one parcel of land, for lands located at 341 Mountsberg Road (Flamborough), as shown on Appendix “A” to Report PED10229, be denied for the following reasons:

(a) That the proposal does not conform to the Greenbelt Plan and is not consistent with the Provincial Policy Statement.

(b) That the proposal does not conform to the Rural Land Use policies of the Region of Hamilton-Wentworth Official Plan.
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(c) That the concept of two non-farm related single-detached dwellings on one parcel is not principally supported in the Town of Flamborough Official Plan.

(d) That the proposal does not conform to the Rural Designation and associated policies in the Council adopted and Ministerially approved new Rural Hamilton Official Plan.

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


That the application outlined in PED10237 is deemed to comply with the Official Plan under Agri-Eco Tourism for current and proposed uses, including those uses included on the Ministry of Agriculture Food and Rural Affairs Fact Sheet #842, and that staff be directed to process the zoning by-law application, and to advertise for a Public Meeting, pursuant to the terms of the Planning Act.

(a) That Council deem agri-tourism uses to be in conformity with both the Rural policies of the Hamilton Wentworth Official Plan and the Agricultural policies of the Flamborough Official Plan.

(b) Further, that Zone Change Application ZAC 09-036 by Domson Investments Ltd to recognize existing and proposed uses of the Dutch Mill Country Market, 533 Millgrove Sideroad as generally presented in the submission by Ed Fothergill to Economic Development and Planning Committee on October 5, 2010 be deemed to be agri-tourism and , accordingly, in conformity to said Official Plans

(c) That staff be directed to process the subject zoning by-law application, and to advertise for a Public Meeting, pursuant to the terms of the Planning Act.

25. Vacant Building Registry By-law (PED09031(c)) (City Wide) (Item 6.14)

(a) That the draft Vacant Building Registry By-law, attached as Appendix "A" to Report PED09031(c), as amended by Committee on October 5, 2010, to exempt agricultural buildings, which has been prepared in a form satisfactory to the City Solicitor, be passed subject to approval of items (i), (ii), (iii), (iv) and (v) below:
(16)

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(i) That a one time administration fee of $240; applied to an initial registration, be approved and added to the City’s User Fees and Charges By-law; and,

(ii) That a $600 annual Vacant Building fee, for inspections and administration, be approved and added to the User Fees and Charges By-law; and

(iii) That 1.0 additional FTE be approved for enforcing and administering the Vacant Building Registry By-law, up to 200 buildings, based on 100% cost recovery and no additional levy impact; and,

(iv) That one additional vehicle, at an estimated cost of $37,000, be approved for enforcing the Vacant Building Registry By-law to be funded from the administration fees as outlined in Recommendation (a) (i) above,

(v) That staff be authorized and directed to hire additional temporary staff, at the rate of .25 FTE’s for every 50 additional buildings beyond 200 to accommodate fluctuations in the Vacant Building Registry based on 100% cost recovery and no additional levy impact.

(b) That subject to City Council enacting a Vacant Building Registry By-law, as referenced in recommendation (a) above, staff be directed to update the Vacant Building Protocol accordingly.

26. Committee of Adjustment Minor Variance Application HM/A-10:136, for the Property Located at 3 Minto Avenue (Hamilton), Supported by the Planning and Economic Development Department But Denied by the Committee of Adjustment (PED10211) (Ward 3) (Item 8.1)

That Report PED10211, respecting Committee of Adjustment Minor Variance Application HM/A-10:136, for the property located at 3 Minto Avenue (Hamilton), as shown on Appendix “A” to Report PED10211, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.

27. Addition of Lands to the Niagara Escarpment Plan - Cootes Paradise Link (PW 176)(PED10228) (Item 8.2)

(a) That the City of Hamilton supports the proposed Niagara Escarpment Plan designations of “Escarpment Protection” and “Escarpment Natural” and the inclusion of the lands within the Niagara Escarpment Parks and Open Space System (NEPOSS), for a portion of the lands, located north of Cootes Drive, west of Olympic Drive, south the railway line and east of Cootes Paradise, identified in

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Amendment No. 176 - Cootes Paradise Link, shown on the attached Appendices “A” and “B” to Report PED10228, provided the following condition is met:

i) the City owned Park (Olympic Park) and the lands occupied by the Hydro buildings and associated storage facilities are removed from the proposed Amendment No. 176;

(b) That City staff be directed to work in conjunction with the Province to undertake the necessary steps at the Provincial level to have these lands removed from the Niagara Escarpment Plan Planning Area.

28. Re-establishment of Sub-Committees Reporting to the Planning Committee (CL10007(c)) (City Wide)

(a) That the following Sub-Committees be re-established and report to the Planning Committee for 2010-2014 term of Council:

(i) Property Standards Committee
(ii) Cross-Melville Heritage Conservation Advisory Committee
(iii) Agricultural and Rural Affairs Advisory Committee
(iv) Municipal Heritage Committee

(b) That the following Sub-Committees be re-established and report to the GIC (General Issues Committee):

(i) Hamilton BIA and Business Association Co-ordinating Committee
(ii) BIAs
(iii) Downtown Cleanliness and Security

(c) That the Sub-Committees, as outlined in Appendix “B” attached to Report CL10007(c), not be re-established; and that this list be amended to indicate that the Hamilton Triple Bottom Line – Business Attraction Task Force will not be re-established;

(d) That the required Council appointments for each Sub-Committee, in accordance with the composition as shown, be determined at the Nominating Committee meeting of the new Council;

(e) That the terms for the citizen members be for the term of the 2010-2014 Council, or until such time as their respective mandates have been completed, or successors appointed.
29. Demolition permit - 60 Parkside Avenue, Dundas (PED09150)(Added Item 10.3)

That in view of the fire which has taken place at the subject property, and the request from the owner, that Council amend their previous approval on this matter, being Item 5 of EDP Report 09-012 (PED09150) and that the Director of Building Services be authorised and directed to issue a demolition permit or the property at 60 Parkside Avenue, Dundas, in accordance with By-law 08-226 pursuant to Section 33 of The Planning Act, as amended, without conditions attached thereto.

30. Amadeo DiMarco, Draft Plan of Subdivision Application 25T200804, Part of Lot 11, Concession 4, East Flamborough, to establish a draft plan of subdivision, draft plan conditions and related zoning: Appeal to the Ontario Municipal Board (Item 12.2)

That legal counsel for the City be instructed to advance the special conditions of draft plan approval for 25T-200804 as presented to Committee on October 5, 2010, including the proposed zoning by-laws before the Ontario Municipal Board on the hearing of these appeals.

31. Urban Hamilton Official Plan – Status of Ministry of Municipal Affairs and Housing Approval (Item 12.4)

That the General Manager of Planning and Economic Development Department be authorized to appeal to the Ontario Municipal Board any part of the Ministry of Municipal Affairs and Housing decision on the Urban Hamilton Official Plan that, in his opinion, is deemed to be a policy matter or other changes that are contrary to the intent of Council's approval of the Urban Hamilton Official Plan and the associated modifications.

32. Regional Official Plan Amendment Application ROPA-08-001, Township of Glanbrook Official Plan Amendment Application OPA-08-004 and Zoning By-law Amendment Application ZAC-08-013, 2012 Upper James Street (formerly King's Highway No. 6) (Glanbrook) - Ontario Municipal Board Appeal - Living Word Christian Fellowship (Seventh-Day Adventist Church), 2012 Upper James Street (formerly King’s Highway No. 6) (former Township of Glanbrook)

That the City Solicitor be instructed to advance the following position in front of the Ontario Municipal Board Hearing on this matter:

(a) That Regional Official Plan Amendment Application ROPA-08-001, by Living Word Christian Fellowship (Seventh-Day Adventist Church), Applicant, to amend
Map No. 1 of the Hamilton-Wentworth Official Plan from: “Business Parks” and “Airport Business Park” to “Institutional”, for lands located at 2012 Upper James Street (formerly King’s Highway No. 6) (former Township of Glanbrook), as shown on the attached location map, be denied.

(b) That Official Plan Amendment Application OPA-08-004, by Living Word Christian Fellowship (Seventh-Day Adventist Church), Applicant, to amend Schedule “A” of the Township of Glanbrook Official Plan from: “Airport Industrial - Business Park” to “Institutional”, for lands located at 2012 Upper James Street (formerly King’s Highway No. 6) (former Township of Glanbrook), as shown on the attached location map, be denied.

(c) That Zoning Application ZAC-09-031, by Living Word Christian Fellowship (Seventh-Day Adventist Church), Applicant, for changes in zoning from the Deferred Development “DD” Zone, the Deferred Development “DD-079” Zone and the Open Space - Conservation “OS3” Zone to: the Major Institutional “I3” Zone, with Special Exception, to permit the future development of the lands for a place of worship and accessory uses thereto, for lands located at 2012 Upper James Street (formerly King’s Highway No. 6) (Glanbrook), as shown on the attached location map, be denied, since the applications are contrary to the Provincial Policy Statements, the Growth Plan, the Regional Official Plan, the former Township of Glanbrook Official Plan and the Hamilton Urban Plan.

33. Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans (PED10153a/FCS10062a/PW10080) (City Wide) (Item 3.1)

(The highlighted sections show the amendments made to the original Recommendation)
(The highlighted and underlined section was added by Council on October 13, 2010.)

(a) That approval be given to Official Plan Amendment No. XX to the former Region of Hamilton-Wentworth Official Plan, as contained in Appendix “A” to Report PED10153a/FCS10062a/PW10080, for lands generally bounded by Garner Road /Twenty Road West in the north and Carluke Road East / White Church Road in the south, Fiddler’s Green Road in the west and Upper James Street in the east, to include a portion of the lands in the urban area and designate them as Airport Employment Growth District; rename the Business Park to Airport Employment Growth District, add new policies and map for the natural heritage system; to delete Special Policy Areas 1, 2 and 9, to add new words to the glossary and to clarify wording for other policies.
(b) That approval be given to Official Plan Amendment No. XX to the former Town of Ancaster Official Plan, as contained in Appendix “A” to Report PED10153a/FCS10062a/ PW10080, for lands generally bounded by Glancaster Road, Garner Road East, Fiddler’s Green Road and Carluke Road East, to include a portion of the lands in the urban area and designate them as Airport Employment Growth District, Airport Reserve and Open Space and Conservation; add a new Secondary Plan-Airport Employment Growth District, to delete the road classifications and specific policy area 57a.

(c) That approval be given to Official Plan Amendment No. XX to the former Township of Glanbrook Official Plan, as contained in Appendix “A” to Report PED10153a/FCS10062a/PW10080, for lands generally bounded by Glancaster Road, Twenty Road, Upper James Street/Homestead, and White Church Road, to include a portion of the lands in the urban area; designate them as Airport Employment Growth District, Airport Reserve, and Open Space and Conservation, rename the Airport Industrial Business Park to Airport Employment Growth District, add a new Secondary Plan-Airport Employment Growth District, and to delete the road classifications and site specific policy area 1 and 2a.

(d) That approval be given to Official Plan Amendment No. XX to the Rural Hamilton Official Plan, as contained in Appendix “B” to Report PED10153a/FCS10062a/ PW10080, located in the west end of Glanbrook, extending between Garner Road / Twenty Road West in the north and Carluke Road East / White Church Road in the south, Fiddler’s Green Road in the west and Upper James Street in the east, to delete a portion of the lands from the Rural area and to delete the entire Special Policy Area “C“-Future Employment Growth District.

(e) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan, as contained in Appendix “C“ to Report PED10153a/FCS10062a/PW10080, respecting the Airport Employment Growth District as follows:

(i) to amend the urban boundary to include the lands generally located south of Garner Road and Twenty Road, east and north of Highway 6, west of Upper James Street and Glancaster Road within the urban area, designate them as Airport Employment Growth District, and delete site specific policies; and,

(ii) to add a new secondary plan and airport influence area map for lands bounded by Upper James Street on the east, Twenty Road West and Garner Road East on the north, Highway 6 by-pass (excluding Greenbelt Lands) on the west and south.

(f) That approval be given to revise the Airport Employment Growth District Secondary Plan, as contained in Report PED10153a/FCS10062a/PW10080, to add the policies attached as Appendix “B“ to Report PED10153b, to address the concerns of the Niagara Peninsula Conservation Authority.
g) That approval be given to revise the Airport Employment Growth District Secondary Plan, as contained in Report PED10153a/FCS10062a/PW10080, to add the following new policy to address the concerns of the Niagara Peninsula Conservation Authority:

That until stormwater management facilities are in place at the Hamilton John C. Munro International Airport, no airport expansion into lands designated as “Airport Reserve” be permitted.

(h) That approval be given to the implementing Zoning By-law, which amends the City of Hamilton Comprehensive Zoning By-law 05-200 to add five new Industrial Zones, for lands generally located south of Garner Road and Twenty Road, east and north of Highway 6, west of Upper James Street and Glancaster Road (Airport Employment Growth District), as contained in Appendix "D" to Report PED10153a/FCS10062a/PW10080 and which has been prepared in a form satisfactory to the City Solicitor.

(i) That the land holdings of Solomon and Marvin Wasserman located at No. 2876 Upper James Street as shown on Appendix “A” to Report PED10153b be deferred from the Airport Employment Growth District Secondary Plan and the implementing zoning by-law as recommended in Report PED10153a/FCS10062a/PW10080 and that staff be directed to initiate the acquisition of these lands for the future expansion of the John C. Munro Hamilton International Airport.

(j) That the lands of the Ancaster Christian Reformed Church at the south east corner of Fiddler’s Green Road and Garner Road East comprised of approximately 9.08 ha (22.44 acres) be included in the Airport Employment Growth District Secondary Plan and designated for "Prestige Business" and zoned "Airport Prestige Business Park (M11) Zone" with a site specific provision to permit the expansion of the existing church, offices related to religious organizations, church-religious retreat including convention/ conference centres and hotel facilities, sports facilities, centres of learning, and ministry programs in conjunction with Redeemer University College on the following basis:

(i) The lands are contiguous to the existing urban boundary and represents a logical extension of the urban area boundary;

(ii) The lands are immediately serviceable (sanitary sewers and watermain) with upgrades to the existing infrastructure;

(iii) The lands have frontage on Garner Road and Fiddler’s Green Road and has easy access to Highway 403;

(iv) The proposed uses will complement other employment uses in the Airport Employment Growth District;
The proposed development of a church-religious retreat will contribute to jobs and assessment growth in our community; the proximity to the John C. Munro Hamilton International Airport will complement the proposed conference facilities; and, the proposed development is considered "shovel-ready" as the proposed development has commitments from project partners.

That the Smith farm on the west side of Smith Road comprised of approximately 22.86 ha (56.49 acres) be included in the Airport Employment Growth District Secondary Plan and designated "Airside Industrial" and zoned "Airside Industrial (M7) Zone" on the following basis:

(i) The lands are contiguous to the proposed urban boundary and is a logical extension of the urban boundary;

(ii) The lands can be serviced by extending sewers and watermains to the property;

(iii) The inclusion of the west side of Smith Road will allow the entire Smith farm to be developed in a comprehensive manner; and,

(iv) The lands are adjacent to and abutting the airport lands which will provide businesses requiring airside access with additional development opportunities.

That the Transportation Master Plan for the Airport Employment Growth District as contained in Appendix “G” to Report PED10153a/FCS10062a/PW10080 be approved and that the General Manager of the Public Works Department be authorized and directed to file the Transportation Master Plan for the Airport Employment Growth District as per the Municipal Class Environmental Assessment (October 2007), on the public record and with the Municipal Clerk for a thirty day public review.

That the Water & Wastewater Master Plan for the Airport Employment Growth District as contained in as Appendix “H” to Report PED10153a/FCS10062a/PW10080 be approved and that the General Manager of the Public Works Department be authorized and directed to file the Water and Wastewater Master Plan for the Airport Employment Growth District, according to the Municipal Class Environmental Assessment (October 2007), on the public record and with the Municipal Clerk for a thirty day public review.

That the Subwatershed Study and Stormwater Management Plan for the Airport Employment Growth District as contained in Appendix "I" to Report PED10153a/FCS10062a/PW10080 be approved and that the General Manager...
of the Public Works Department be authorized and directed to file the Subwatershed Study and Stormwater Management Plan for the Airport Employment Growth District as per the Municipal Class Environmental Assessment (October 2007), on the public record and with the Municipal Clerk for a thirty day public review.

(o) That upon the completion of the thirty day public review, the General Manager of the Public Works Department be authorized and directed to program and include the recommended water and wastewater, stormwater and transportation projects in the Master Plan Reports in the Capital Budget for future years provided that there are no “Bump-up” or Part II Order Requests for the recommended infrastructure projects.

(p) That prior to development in the Airport Employment Growth District proceeding (approximately forecast for the year 2014), Industrial Development Charge Pricing Options be presented to Council as part of staff’s proposed Water/Wastewater DC By-law due for Council’s consideration in May 2011.

(q) That the Urban Design Guidelines for the Airport Employment Growth District Secondary Plan as contained in Appendix “O” to Report PED10153a/FCS10062a/PW10080 be endorsed.

(r) That the Eco-Industrial Design Guidelines for the Airport Employment Growth District Secondary Plan, as contained in Appendix “P” to Report PED10153a/FCS10062a/PW10080 be endorsed.

(s) That the Planning and Economic Development Department be authorized and directed to incorporate the infrastructure identified in the Master Plans referenced in Recommendation (o) in the next update of the Development Charges By-law.

(t) That, after Phase I or 33 percent of the proposed Airport Employment Growth District Secondary Plan area is developed; the City shall undertake a municipal comprehensive review to assess the municipality’s need for additional employment lands including a review and analysis of the absorption rate and the availability of existing brownfield and greenfield sites in the City’s employment areas.

(u) That the Office of the Mayor provide the Members of the Airport Employment Growth District - Community Liaison Committee with a Letter/Certificate of Recognition and Appreciation for their contribution to the community for their participation in the development of the Airport Employment Growth District Secondary Plan.

(v) That the by-laws of adoption for the Rural and Urban Hamilton Official Plan Amendments, referenced in recommendations (b) and (c) above, be held in abeyance until such time as the Rural and Urban Hamilton Official Plans come into effect.

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34. Investigation of best enforcement practices for “wrong way parking” (Item 10.2)

Whereas, throughout the City of Hamilton, many vehicles are parked facing the wrong way (i.e. against the flow of traffic), and;

Whereas, in almost all cases these vehicles are not causing safety hazards, and;

Whereas, this parking rule is only enforced upon complaint by Hamilton Parking Services, often driven by a neighbourhood dispute, and;

Whereas, Hamilton Police Services also enforce this parking rule from time to time.

That, staff work with Hamilton Police Services in exploring the best enforcement regime for the “wrong way” parking rule on local residential streets when safety hazards are present.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- As directed by Committee at the end of the Special meeting respecting the AEGD on September 30 2010, while the Public meeting has been concluded, Don Mclean was added as the first item to this Agenda.

- Staff has prepared a report addressing the major questions raised at the end of the AEGD meeting, this will become Item 13.1.

- One Added Closed Session matter, respecting Empire Nash, which will be added as Item 12.6.

- Added delegation requests from Ed Fothergill and Dennis Wood, which have been distributed this morning, and will be considered as Item 4.5.
• Request to defer the Public Meeting for Item 6.12 341 Mountsberg Road. As there has been insufficient time to send out a cancellation Notice, staff is recommending that the Public meeting proceed, and then Committee can decide whether to defer the decision.

• Copies of Item 8.3 Re-establishment of Sub-Committees been distributed this morning.

• Nancy Smith, one of the approved delegations respecting Item 6.13, The Dutch Mill, is unable to attend today.

On a Motion (Mitchell/Pearson) Committee received the letter respecting Item 6.12, and approved the Agenda, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

c) Don McLean respecting the AEGD

Mr. McLean addressed Committee regarding the subject item, and gave a powerpoint presentation. His comments included, but were not limited to, the following:

- opposes the AEGD, and has serious concerns about information and details in the staff report, the process taken to get to this point, the public input process, the number of amendments being considered at one time, and the volume of material being presented for consideration
- provided a detailed critique of the staff report
- fundamental problem with brownfield calculations
- report does not clearly indicate size of aerotropolis
- North Glanbrook Industrial Park still has vacant land
- Master Plans should not be in same package
- Niagara Peninsula and Grand River Conservation Authorities are still not satisfied with applications
- Eco-industrial proposals need examination in detail
- Some Councils say they are “lame-duck” after Nomination Day, but here Council being asked to consider a huge project with far-reaching implications, in a rush
- Real confusion about number of hectares involved, different figures in the report
- On which size is financial forecast being based?
- Points made by Pitman Patterson at last meeting mean that City has to buy more land, maybe 520 acres of Airport Reserve, this changes the financial aspects of study and recommendation, will cost City even more
- Concern about business taxes and residential taxes and their relationship
- 24,000 jobs being created is just a projection, we have no control about the actual number of jobs being created in a new building, many of which may be warehouses
- Hamilton has been twenty years without any real increase in jobs, why would this be different
- Staff say no money being spent until airport takes off but City still needs to spend significant money, this is a huge gamble
- Residential development changes will probably rise
- Wants a review of Development Charge exceptions
- Concern about new roads, road expansions needed, unexpected cost, all add up to significant costs to City
- Lack of fairness in process
- Considers Province had too much say in process of land selection
- Council should evaluate actual area of AEGD, there are anomalies in choice of some areas
- Concern that Lobbyist Registry still not in place
- Flights allowed at airport 24 hours per day, this encouraged courier business
- Airport not a real economic hub
- Hamilton is 36th out of 42 of large Canadian airports
- Passenger numbers at airport are in decline, in 2004, Tradeport forecast 5 million passengers annually, but we are nowhere near that number
- No real growth in courier business, grew 1995-2000, but not since then, same tonnage now as in 2002
- Airport likely to remain a regional airport, economically it is standing still
- Should not bet on airport being the main economic engine for the City, but consultants said viability of airport is key to success of plan, considers this is shaky
- Concern that if AEGD plan fails, after the land brought into Urban Boundary, that lands could end up being residential
- 93% of existing airport park remains vacant right now
- too many items for one public meeting
- serious concerns about process; when CLC set up, agreed that airport issues would go to COW, thinks COW should consider matter first than have statutory public meeting at Planning Committee
- concern that all GRIDS alternatives included the airport
- many factors have changed since City embarked on this course, Mid-Peninsula Highway cancelled, Highway 6 not being expanded further, food security issues have come to the forefront
- while extensive public consultation took place, public engagement has not happened
- concern that little mention of AEGD in press, lots of people have not heard about it, this is much larger than stadium issue, will cost taxpayers $350 million
- concern with CLC process, no real input at CLCs, no press attended, not well publicized, very small attendance
- asked what had happened to comments made at CLCs

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- said evidence suggest people against AEGD, City has failed to engage citizens
- concern about loss of food land, report says it is less 2% of farmland in City, but this is a serious loss
- most disturbing is that actual number of acres being added to Urban Boundary is not stated
- this proposal uses up only chance City has to expand urban boundary in 15-20 years
- said Council now “lame duck”, don’t need to decide on this huge issue
- said no need to rush, refer whole thing to Council for further study, study and re-evaluate the brownfield lands
- alternative is just approve Phase I, but prefers to have whole thing deferred, as a deferral cannot be appealed
- urged Committee not to be influenced by Chamber of Commerce and land speculators.

Mr. McLean noted that he had given a copy of his presentation to Clerks. Committee requested to be send copies of his presentation.

Committee discussed the points raised by the delegate, and Mr. McLean clarified the following items:

- 2000 acres of vacant industrial land available in Greenfield sites
- 50 acres of brownfield land available according to City calculations
- many changes in planning framework since AEGD initiated, including cancellation of Mid-Peninsula Highway, peak oil, loss of foodland, other highway changes, all these need consideration
- huge risk being taken here.

On a Motion, Committee received the delegation and thanked Mr. McLean for his significant input into the process.

Staff confirmed that the cross-hatched area at the east side and south side of the airport is greenbelt and natural areas.

Staff advised that Development Charges will be reviewed, and that a report respecting Development Charges Reserves will be considered at Audit and Administration on Wednesday.

(d) APPROVAL OF MINUTES (Item 3)

On a Motion (Clark/Bratina), the Minutes of the Economic Development and Planning Committee meeting on September 21, 2010 were approved.
(e) **DELEGATION REQUESTS** (Item 4)

(i) Wayne Mogensen, 3438 South Grimsby Road, Smithville, respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove (Item 6.14 on this Agenda) (Item 4.1)

(ii) Judi Partridge, 47 Acadredale Drive, Carlisle, respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove, Item 6.14 on this Agenda) (Item 4.2)

(iii) Arend Kersten, Flamborough Chamber of Commerce, respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove (Item 6.14 on this Agenda) (Item 4.3)

(iv) Ed and Elaine Scharringa, 780 Old Hwy 8, P.O. Box 13, Rockton respecting Dutch Mill Country Market, 533 Millgrove Side Road, Millgrove (Item 6.14 on this Agenda) (Item 4.4)

On a Motion, Committee agreed to hear the four delegations on this item, today.

(v) Dennis Wood and Ed Fothergill, respecting Item 6.1 RIOCAN Power Centre, Flamborough

On a Motion, Committee agreed to hear the two delegations on this item, today.

(f) **Application for Approval of an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 800 Upper Wentworth Street (Hamilton) (PED10135(a)) (Ward 7) (Item 5.1)**

Councillor Duvall thanked Tim Lee for his work with the applicant, and said that he looked forward to a future report.

(g) **“Project Compliance” Status Report (PED10049(c)) (Wards 1, 2, 3, 4, 5, 6, 7 and 8) (Item 5.9)**

Councillor Bratina noted his support for this initiative, but requested that staff target the absentee landlords rather than those who had minor issues on their properties.

(h) **Lot Grading and Drainage PED10091(a) (City Wide) (Outstanding Business List Item) (Item 5.10)**

Councillors Whitehead, Clark and Mitchell noted that they would talk off-line with Tony Sergi about on-going issues in their Wards.

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Committee approved the revised date for the report.

(i) Hamilton LEEDing the Way, LEED Grant Program Application (LGP-10-02) - Canada Bread Company, Limited, 745 Nebo Road, Hamilton, ON (PED10230) (Ward 11) (Item 5.12)

Councillor Ferguson noted that this was the first industrial LEED grant.

(j) Sergio Manchia, IBI, respecting RIOCAN Power Centre, Flamborough (Delegation approved by Committee September 21, 2010) Item 6.1)

Sergio Manchia and Joel Farber explained why they are requesting that staff process their application for H-Removal:

- application made 120 days ago, statutory period now expired
- 60,000 square feet of development can move ahead now
- lifting of “H” tied to traffic issue, but situation changed since by-law approved, network has capacity
- no satisfactory response received from Traffic staff
- all required lands for road conveyed to City
- happy to discuss further with staff, Mr. Wood

(k) Ed Fothergill and Dennis Wood, respecting RIOCAN Power Centre, Flamborough

Dennis Wood, counsel for applicant adjacent to RIOCAN, addressed Committee. His points included, but were not limited to, the following:

- RIOCAN request to expedite is premature, they are trying to jump queue
- area has long complex planning history
- lack of fairness
- MTO has on-going issues, should be addressed first
- Does not want client shut out of process
- Happy to discuss further

Committee discussed the matter and had further information supplied by staff, including the following:

- removal of “H”-Holding is to satisfaction of MTO and City
- MTO undertaking a Class EA Addendum
- Very complex issue, staff actively working with parties, have to look at entire area
On a Motion (Whitehead/Clark), Committee received the delegations.

On a Motion (Clark/Whitehead), Committee directed that staff meet with the parties and report back to Committee thereafter.

**Proposed Amendment to Fireworks By-law (HES10008) (City Wide) (Item 6.2)**

Frank Biancucci gave an overview of the staff report. His points included, but were not limited to, the following:

- staff recommending by-law not be changed, as it already contains provisions for allowing fireworks beyond Victoria Day and Canada Day
- staff will provide further public education, by publishing pamphlet containing these details, and continue talking to community groups about these exceptions
- have consulted with representatives of various faith-based groups.

The Clerk advised that she had talked to the previous delegations, Bud Dhillon and Mr. Grewel on Monday, to advise of this meeting.

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

On a Motion (McHattie/Mitchell), Committee approved the staff recommendation.

On a Motion (Whitehead/Clark), Committee directed that the opinion of a Constitutional lawyer on the issue of the by-law be obtained, and that staff report back to Committee thereafter.

**Application for Approval of a Draft Plan of Condominium (Common Elements) for Lands Known as Block 69, Registered Plan 62M-1142, “Binbrook Heights”, South Side of Fall Fair Way (Glanbrook) (PED10217) (Ward 11) (Item 6.3)**

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the draft Plan of Condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

On a Motion (Pearson/Mitchell), Committee dispensed with the planner’s presentation.

Alvin Chan was present to assist Committee.

Steve Fraser, A.J. Clarke, the applicant’s agent, advise that he supported the staff recommendation.

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

Councillor Mitchell expressed concerns that inadequate parking exists in these new townhouse developments, and that considering the single garage as a parking space is not appropriate.

Mr. Lee confirmed that the two spaces are the one in the garage and the one on the driveway.

Councillor Mitchell advised that he could not vote in favour of this application, with the parking problems it would bring.

Staff advised that the application is for a common element condominium, not a change to the by-law. Staff also advised that the parking requirements for future condominium developments are being considered in the new Comprehensive Zoning By-law, but that the new By-law will not fix existing problems.

Committee approved the staff recommendation.

(n) Applications for an Amendment to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for the Lands Located at 236 Pritchard Road (Hamilton) (PED10218) (Ward 6) (Item 6.4)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan Amendment and passes the 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 Council approves the Official Plan Amendment and passes the 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.

On a Motion (Pearson/Mitchell), Committee dispensed with the planner's presentation.

Alvin Chan was present to assist Committee.

Sam Esposto, the applicant’s agent, advise that he supported the staff recommendation.

Committee discussed the matter and raised the following issues:

- are there limitations on the conversion of employment lands to office space, is there a cap, how does this operate?

Staff explained that the application would be in compliance with the new Industrial Zoning By-law and that there is a cap in place for office uses.

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

Committee approved the staff recommendation.

(o) Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 80 Creanona Boulevard (Stoney Creek) (PED10220) (Ward 11) (Item 6.5)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan Amendment and passes the 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 Council approves the Official Plan Amendment and passes the 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.
On a Motion (Pearson/Mitchell), Committee dispensed with the planner's presentation.

Danielle Fama was present to assist Committee.

Steve Fraser, A.J. Clarke, the applicant’s agent, advised he supported the staff recommendation. He noted that each house would have a double-car garage.

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

Committee approved the staff recommendation.

Application to Amend Flamborough Zoning By-law 90-145-Z for a Property Located at 45 Brian Boulevard (Flamborough) (PED10223) (Ward 15) (Item 6.6)

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

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

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

On a Motion (Pasuta/Whitehead), Committee dispensed with the planner’s presentation.

Chair Ferguson advised that the Ward Councillor, Margaret McCarthy, is in favour of the recommendation.

Tim Lee was present to assist Committee.

Jonathon Chapman, the applicant’s agent, advised that he supported the staff recommendation.

No members of the public came forward to address the Committee.
Committee approved the staff recommendation.

(q) Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough) (PED10226) (Ward 15) Item 6.7

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

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

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

On a Motion (Clark/Bratina), Committee dispensed with the planner’s presentation.

The Chair advised that the Ward Councillor, Margaret McCarthy, is in favour of the application.

Tim Lee was present to assist Committee.

Diana Vlasic, Metropolitan Consulting, the applicant’s agent, advised that she supported the staff recommendation.

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

Committee approved the staff recommendation.

(r) Application for Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1 Lyndale Drive (Dundas) (PED10225) (Ward 13) (Item 6.8)

Chair Ferguson advised the meeting of the following, in accordance with the provisions of the Planning Act,
a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the zoning application is approved and by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

On a Motion (Whitehead/Mitchell), Committee dispensed with the planner’s presentation.

Chair Ferguson noted that the Ward Councillor, Russ Powers, is in favour of the application.

Chris Bell was present to assist Committee and explained the minor changes.

Steve Fraser, A.J. Clarke, the applicant’s agent, advised that he supported the staff recommendation.

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

Committee approved the staff recommendation, as amended.

Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 195 Wellington Street South (Hamilton) (PED10227) (Ward 2) (Item 6.9)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the condominium conversion is approved, 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 condominium conversion is approved, 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 (Bratina/Clark), Committee dispensed with the planner’s presentation.

Tim Lee was present to assist Committee.

Becky Griffith, McKenzie Lake, the applicant’s agent, requested a deferral of the matter, to permit further discussion to take place.

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

Committee deferred the report, to allow more time for discussion between the parties.

(t) Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at 366 Bay Street North (Hamilton) (PED10172) (Ward 2) (Item 6.10)

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

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

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

On a Motion, Committee received letters from Katherine Joss and Gwen Calder.

On a Motion (Mitchell/Pearson), Committee dispensed with the planner’s presentation.

Tim Lee was present to assist Committee and explained a minor change to the by-law.

Steve Fraser, A.J. Clarke, the applicant’s agent, spoke in support of the staff recommendation.

Council – October 13, 2010
Jason Roberts, 46 Simcoe Street West, addressed Committee. His points included, but were not limited to, the following:

- not in favour of proposal, does not fit in with neighbourhood
- concern that recommendation includes need for applicant to negotiate an easement with him, as adjacent owner, respecting the encroachment of the building onto his property, but he is not in agreement
- presented Committee with a petition signed by 120 people against the application.

Mike Moniz, 374 Bay Street North, addressed Committee and expressed his concerns, as follows:

- proposed building too big, too high, his parents will lose their view
- proposed building very different from existing buildings, will not fit in.

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

- need for encroachment agreement as part of foundation of building to be enlarged, alternative would be demolition of this part of the building
- policies in Official Plan consulted respecting compatibility, OMB decisions also looked at, compatible does not mean “same as”
- staff conclude that building will be compatible, will be reasonably able to co-exist with neighbouring properties.

Councillor Bratina noted that each application of this kind in the North End will be carefully evaluated, as the North End is not going to be over-intensified.

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

Committee approved the staff recommendation, as amended.

(u) Application for Approval of an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 and 319 Highway No. 8 (Stoney Creek) (PED10202) (Ward 10) (Item 6.11)

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

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

On a Motion (Pearson/Mitchell), Committee dispensed with the planner's presentation.

Jennifer Haan was present to assist Committee.

Bill Sears, the applicant's agent, noted that he was in support of the staff recommendation.

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

Councilor Pearson thanked the applicant and agent for their co-operation in the development of this condo for seniors. She noted all traffic to and from the building would access Highway 8, and that the building is on a transit route.

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

Committee approved the staff recommendation.

Chair Ferguson then recognised Neil Everson, Director of Economic Development & Real Estate Division on his election to the Board of Directors of the International Economic Development Council (IEDC) for its upcoming two-year term.

He noted that Neil is only the second Canadian to serve in this position, and was elected during IEDC's 2010 Annual Conference, which was held September 26-29 in Columbus, Ohio.

The Chair congratulated Neil on this significant achievement.

(v) Application for Amendment to the Town of Flamborough Zoning By-law 90-145-Z for Lands Located at 341 Mountsberg Road (Flamborough) (PED10229) (Ward 15) (Item 6.12)

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

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

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

On a Motion (Pearson/Mitchell), Committee dispensed with the planner’s presentation.

Kate Mihaljevic was present to assist Committee.

George Zajac, IBI, the applicant’s agent, addressed Committee and requested a deferral. He explained that there had not been time for his firm to meet with staff to discuss the issues, and that his client’s lawyer is presently involved in OMB Hearings, and unable to attend.

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

Chair Ferguson advised that the Public Meeting was now closed.

Committee discussed the request and whether they should hear from Mr. Ariens and Mr. Rudolph at a later meeting.

Mr. McCabe explained that it would be possible to do so, but that Planning considered the request represented a delay tactic. Mr. McCabe suggested moving forward on the staff recommendation, and that the applicants and staff will be able to discuss the next steps, as outlined in the report.

Kate Mihaljevic provided additional details respecting the property, and noted that the house had been constructed between 1840-1860, and that there had been a typo in the report.

John Spolnik noted the new house has been built and occupied, but that there has been no issuance of an Occupancy Permit.

Committee approved the staff recommendation to deny the application.
Application to Amend Town of Flamborough Official Plan and Zoning By-law No. 90-145-Z for the Property Located at 533 Millgrove Side Road (Flamborough) (PED10237) (Ward 15) (Item 6.13)

On a Motion, Committee received added communications from the following persons:

Ed Fothergill, 62 Daffodil Crescent, Ancaster
Judi Partridge, 47 Acredale Drive, Carlisle
Heather and Graham Newman, 89 Sunnyside Beach Road, Sault Ste. Marie
Ed and Elaine Scharringa, 780 Old Hwy 8, P.O. Box 13, Rockton
Heather Tinker, 99 Glendale Drive, Cambridge
Edward and Tracey Fietkau, 2493 Whittaker Drive, Burlington
Colin Rayner, 398 Upper Horning Road, Hamilton
Nicole Church, 147 Gracehill Crescent, Freelton

Chris Bell was present to assist Committee and gave an overview of the staff recommendation, with the aid of a powerpoint presentation.

- the staff report is being brought to Committee without a public meeting, due to fundamental planning policy issues, this process flows from Planning Act
- application does not comply with Provincial Policy Statement, Green Belt Plan, Town of Flamborough Official Plan, Region of Hamilton-Wentworth Official Plan
- agri-tourism as a use not yet fully considered or defined
- application is for Agri-tourism, to recognize existing tea-shop, restaurant, gift shop and entertainment area, for dances and other gatherings
- 1200 square metre building, on approximately 1.5 acres, on an overall property of 40 acres
- building constructed 1997, uses have expanded since then, now include accessory apartment, office and storage
- balance of property contains greenhouse, operated by former owners and some land in agricultural production for cash crops
- applicants requesting:
  o 1,450 square feet tearoom
  o 8,500 square feet gift shop
  o indoor entertainment area for 250 patrons
  o outdoor entertainment area
- current zoning is agriculture, so need a rezoning
- applicant had requested an Official Plan Amendment to Town of Flamborough Plan, but withdrew it.

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

- no specific definition of agriculture-related uses, but “non-farm secondary uses” are included in Official Plan, provided they are farm related
need to avoid full-fledged commercial which is not related to farming
- Green Belt Plan talks about uses which are secondary to agriculture. Question is – would these uses continue if agricultural use ceased?
- Use operating a number of years, Order to Comply issued in March 2009, applicant went through Court process, fined $1,000 and they promised not to use the area of “entertainment” further, until zoning process completed
- In 1995, 11,000 square foot building issued building permit, use was cut flowers and dried flowers
- 1997 addition approved, issued building permit for addition for cut flowers
- by 2008-2009, teahouse in place, staff has no record of any Change of Use permits
- Building staff has concerns with public safety issues, including fire access, fire suppression and fire alarm and general safety issues not addressed in building
- Committee continued their discussion on the details of the existing uses, the policies of the new Hamilton Rural Official Plan, and the increasingly diverse nature of agriculture

Ed Fothergill addressed Committee in support of the application. His points included the following:

- original owner, Ed Scharringa, unable to make a living on cut flowers alone, expanded in various ways to make money, the sold to Mr. Simeone, present owner
- Agri-tourism a positive idea, Tourism Hamilton promotes this kind of use
- Believes this use allowed, need to take all uses together, cannot separate them out
- Mr. Simeone should be allowed to continue, now successful, attracts out-of-town visitors, now has arrangement for bus tours with RBG and OGL-Flamborough Slots
- Requested a decision to permit Mr. Simeone to move towards Public Meeting
- Need direction on agri-tourism
- Want to expand into area back of building, aware that building permit issues need to be dealt with.

Staff were requested to comment on the points raised by the delegation, and advised as follows:

- premises is licensed as food shop/restaurant
- aware of fire safety issues
- Public Health has inspected premises
- Food area originally did not have table service, not a restaurant
- Uses have changed and expanded through time

The Chair noted that the following previously approved speakers would not be addressing Committee today:

Council – October 13, 2010
Tony Simeone, applicant, addressed Committee in support of the application. His points included but were not limited to, the following:

- Has letter from Peter Vanderbeek, Chief Building Official in Flamborough, confirming that use was legal non-conforming
- aware had to legalize, engaged Ed Fothergill, met with Sue Coverdale and David Adames
- included on Tourism Hamilton website, nominated at Tourism Banquet
- business attracts people from beyond Hamilton area, very successful
- Mr. Simeone submitted a large package of letters in support of his business
- Employs 30 people, and several family members
- Sell flowers from the greenhouses which are run by Mr. Scharringa
- Grow vegetables on the property, including tomatoes, onions, garlic, sold in the store.

Judi Partridge, 47 Acredale Drive, Carlisle, addressed Committee in support of the application. Her points included the following:

- supports the Dutch Mill application
- business employs 30 staff
- great opportunity in agri-tourism
- good business.

Arend Kersten, Flamborough Chamber of Commerce, addressed Committee. He advised that he supported everything said by the previous speakers.

Committee requested further information from staff on how to proceed if they wanted to support the application.

Mr. McCabe explained that Council would need to deem the Official Plan to permit Agri-Tourism uses, noted that Green Belt Plan permits agri-tourism. He confirmed that staff need to know what Committee is supporting.

Councillor McHattie addressed the applicant and said that the action proposed by Committee did not automatically mean that Committee would support all the uses proposed.

On a Motion (Clark/Pasuta), Committee agreed that the Dutch Mill application is deemed to comply with the Official Plan policies, based on the current and proposed uses, as set out in the zone change application, and that staff be directed to process the zoning application, and to bring the application forward to a Public Meeting, under the Planning Act, in due course.

Council – October 13, 2010
Vacant Building Registry By-law (PED09031(c)) (City Wide) (Item 6.14)

Marty Hazell gave an overview of the proposed by-law with the aid of a powerpoint presentation. Copies of the presentation were distributed to Committee.

Mr. Hazell explained that the proposal had come about as a result of the general concern regarding vacant buildings, and Council’s desire to move forward proactively. The Vacant Building Registry By-law should address these concerns.

The Chair asked if Carl Turkstra was present to address Committee. Mr. Turkstra was not present.

The Chair asked if any other speakers wished to address Committee having noted that this proposal had been advertised in the newspapers, and that speakers had been asked to register with the Clerk.

Matt Jelly came forward and addressed Committee in strong support of the proposed By-law. Mr. Jelly noted his previous concerns and actions on this matter and thanked staff and Committee for their help. He asked if the register could include the former use of a building.

Committee expressed concerns that staff is only contemplating outside inspections and that entering buildings was important.

Mr. Hazell explained that when an outside inspection of a building also turned up an environmental concern, the MOE would be advised, and that where a building safety issue was identified, John Spolnik’s group would be advised.

Mr. Hazell noted that in January, 2009, there were 76 vacant buildings identified, and that the number had risen to 107 in May, 2010, 158 by September and 165 to date.

Councillor Mitchell proposed an amendment, seconded by Councillor Pasuta, that the by-law should not apply to agricultural properties. Committee approved the amendment, then approved the Motion, as amended.

Committee of Adjustment Minor Variance Application HM/A-10:136, for the Property Located at 3 Minto Avenue (Hamilton), Supported by the Planning and Economic Development Department But Denied by the Committee of Adjustment (PED10211) (Ward 3) (Item 8.1)

Committee agreed to dispense with the planner’s presentation. Matthew Belvins was present to assist Committee.
Chair Ferguson asked David Van der Woerd, lawyer for the applicant, to come forward and speak to Committee.

Mr. Van der Woerd was not present.

Mr. McCabe gave a brief overview of the matter.

Committee approved the staff recommendation.

(z) Addition of Lands to the Niagara Escarpment Plan - Cootes Paradise Link (PW 176)(PED10228) (Item 8.2)

Joanne Hickey-Evans gave an overview of the report.

Committee approved the staff recommendation.

(aa) Re-establishment of Sub-Committees Reporting to the Economic Development & Planning Committee (CL10007(c)) (City Wide) (To be distributed) (Item 8.3)

Committee considered the report.

Councillor Pasuta, seconded by Councillor Mitchell, moved an amendment to the staff recommendation to have all the sub-committees associated with Economic Development, to report to the General Issues Committee.

Committee approved the recommendation, as amended.

(bb) MOTIONS (Item 9)

None

(cc) NOTICES OF MOTION (Item 10)

(i) Investigation of separation of the enforcement of the 12 Hour parking rule from complaints respecting abandoned vehicles (Item 10.1)

On a Motion (McHattie/Pasuta), Committee waived the rules to permit the item to be considered as a Motion.

Committee then approved the following:

Council – October 13, 2010
Whereas, the City of Hamilton’s 12 hour parking rule is important in allowing Public Works activities to be carried out as needed in neighbourhoods; and,

Whereas, it is important to be able to remove abandoned vehicles from neighbourhoods, but this may not be required within a 12 hour timeframe, and,

Whereas, the 12 hour parking rule is enforced upon receiving a complaint, many of which are driven by neighbourhood disputes, and,

Whereas, many Hamilton citizens are concerned upon receipt of a 12 hour parking ticket, when for many years this was not enforced in their neighbourhood, or are frustrated when caught up in disputes between neighbours.

That staff be directed to explore separating the two issues of using the 12 hour parking rule for Public Works activities, and complaints from neighbours about abandoned vehicles, and report back on options for a reasonable time limit to guide action on abandoned vehicles.

(ii) Investigation of best enforcement practices for “wrong way parking” (Item 10.2)

On a Motion (McHattie/Pasuta), Committee waived the rules to permit the item to be considered as a Motion.

Whereas, throughout the City of Hamilton, many vehicles are parked facing the wrong way (ie. against the flow of traffic), and;
Whereas, in almost all cases these vehicles are not causing safety hazards, and;
Whereas, this parking rule is only enforced upon complaint by Hamilton Parking Services, often driven by a neighbourhood dispute, and;
Whereas, Hamilton Police Services also enforce this parking rule from time to time.
That, staff work with Hamilton Police Services in exploring the best enforcement regime for the “wrong way” parking rule on local residential streets when safety hazards are present.

(iii) Demolition permit - 60 Parkside Avenue, Dundas (PED09150) (Added Item 10.3)

On a Motion (Pasuta/ McHattie) Committee waived the rules to permit the item to be considered as a Motion.
Councillor Pasuta explained the background to the Motion, and noted that Councillor Powers had requested that this be brought forward to the Committee. He explained that there had been a fire at the property and that the owner wished to demolish the building now, for safety reasons. Committee passed the Motion.

(iv) Ottawa Street Farmers’ Market, Licence Agreement (Added item)

On a Motion (Pasuta/ McHattie) Committee waived the rules to permit the item to be considered as a Motion.

Councillor Pasuta spoke to the issue and explained that the group are requesting a reduction on the rental payment.

Committee discussed the matter and suggested that this may be a matter for the Grants Committee. In addition, Committee expressed concerns that the request had wider implications, since it was a request to change an agreement with the City, and that this should be considered in the wider context.

Committee approved the following Motion as Direction to staff.

That the request from the Ottawa Street Farmers’ Market to review their License Agreement, dated March 6, 2008, between the City of Hamilton and Crown Point Farmer’s Market, of Ottawa Street Association Inc., operating as the Ottawa Street Farmers’ Market, to reduce the annual license payment, pursuant to Section 2 of this agreement, from $17,000 per annum to $10,000 per annum, payable by quarter-annual instalments of $2,500 (plus applicable goods and services tax), in advance, on each March 7, June 7, September 7, and December 7 during the term, be referred to staff for a report back to Committee.

(dd) GENERAL INFORMATION (Item 11)

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

Mr. McCabe introduced a recent OMB decision respecting Malatesta Brothers, 1540 Upper Gage Avenue, and explained how the Board has ruled on this appeal.

Mr. McCabe then advised that the building permits in 2010 would reach 1 billion dollars in value, being 880 million right now.
On a Motion, Committee moved into Closed Session at 12.20pm to consider the following 6 items which are before the OMB and subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals affecting the City and are with respect to:

12.1 Setting Sail, West Harbour, Regional Official Plan Amendment 23, Official Plan Amendment 198, By-law 05-073

12.2 Amadeo DiMarco, Draft Plan of Subdivision Application 25T200804, Part of Lot 11, Concession 4, East Flamborough, to establish a draft plan of subdivision, draft plan conditions and related zoning: Appeal to the Ontario Municipal Board

12.3 Rural Hamilton Official Plan – Ontario Municipal Board Appeals

12.4 Urban Hamilton Official Plan – Status of Ministry of Municipal Affairs and Housing Approval

12.5 Regional Official Plan Amendment Application ROPA-08-001, Township of Glanbrook Official Plan Amendment Application OPA-08-004 and Zoning By-law Amendment Application ZAC-08-013, 2012 Upper James Street (formerly King’s Highway No. 6) (Glanbrook) - Ontario Municipal Board Appeal

12.6 Empire Nash Draft Plan of Subdivision, 25T200803 (Added Item)

On a Motion Committee reconvened in Open Session at 2.30pm

The Chair advised that Committee met in Closed Session to receive advice from legal counsel respecting this OMB hearing and that there was nothing further to report.
Amadeo DiMarco, Draft Plan of Subdivision Application 25T200804, Part of Lot 11, Concession 4, East Flamborough, to establish a draft plan of subdivision, draft plan conditions and related zoning: Appeal to the Ontario Municipal Board (Item 12.2)

The Chair advised that Committee met in Closed Session to receive advice from legal counsel respecting this OMB hearing. Committee then approved a Motion. (see Item 30)

Rural Hamilton Official Plan – Ontario Municipal Board Appeals (Item 12.3)

The Chair advised that Committee met in Closed Session to receive advice from legal counsel respecting this OMB hearing and that there was nothing further to report.

Urban Hamilton Official Plan – Status of Ministry of Municipal Affairs and Housing Approval (Item 12.4)

The Chair advised that Committee met in Closed Session to receive advice from legal counsel respecting this OMB hearing. Committee then approved a Motion. (see Item 31)

Regional Official Plan Amendment Application ROPA-08-001, Township of Glanbrook Official Plan Amendment Application OPA-08-004 and Zoning By-law Amendment Application ZAC-08-013, 2012 Upper James Street (formerly King’s Highway No. 6) (Glanbrook) - Ontario Municipal Board Appeal (Item 12.5)

The Chair advised that Committee met in Closed Session to receive advice from legal counsel respecting this OMB hearing. Committee then approved a Motion. (see Item 32)

Empire Nash OMB Appeal respecting Draft Plan of subdivision 25T-200803

The Chair advised that Committee met in Closed Session to receive advice from legal counsel respecting this OMB hearing, and that a Motion was expected before the end of the meeting.

Later, Councillor Clark advised that discussion on this matter is on-going and that it will be brought to Council on October 13, 2010, for further deliberation.
On a Motion, Committee recessed at 6:00 pm for a dinner break.

At 6:30 pm, Committee resumed.

(II) Airport Employment Growth District

On a Motion (Whitehead/Pearson), Committee received the following additional letters:

Allan Ramsay, respecting 550 Glancaster Road
Glen Schnarr, respecting property on north side of Butter Road
Joe Minor, respecting general objections
Niagara Peninsula Conservation Authority
David Braden, respecting general objections

Guy Paparella gave an overview of the staff report and revised map which had been distributed this morning. He explained the staff response to each of the items outstanding at the end of the last meeting.

He noted two items where staff is recommending amendments:

- Wasserman property – staff is recommending deferral of area, and direction to staff to negotiate purchase of lands
- Concerns from Niagara Peninsula Conservation Authority – staff is recommending addition of appropriate additional conditions.

On a Motion (Pearson/Mitchell), the original staff recommendation in PED10153a/FCS10062a/PW10080 was placed on the floor.

On a Motion (Whitehead/Pearson), Committee moved an amendment respecting the deferral of the Wasserman property.

Committee then reviewed an Amendment proposed by Mayor Eisenberger, to undertake a review of the airport lands at the completion of Phase I or when 33% buildout is achieved, whichever comes first.

On a Motion (Whitehead/Pasuta), an amendment for a review at 33% or the end of Phase I was approved.

Chair Ferguson relinquished the Chair to move an amendment to include the Christian Reformed Church and the Smith farm within the AEGD area.

Committee approved this amendment.

Council – October 13, 2010
Chair Ferguson resumed the Chair.

On a Motion (Whitehead/Duvall), Committee approved an amendment to address the NPCA concerns.

Committee then summed up the entire issue. They thanked staff for all their hard work in this lengthy process, in particular Guy Paparella and Ray Lee.

Councillor Pearson noted she would like to consider improvements to the public process for this kind of major undertaking.

Councillor Whitehead also noted his respect for the delegations who had worked and spoken in opposition to the process, for their diligence.

Committee then approved the AEGD Motion, as amended, on a unanimous vote.

(mm) ADJOURNMENT (Item 13)

On a Motion (Pearson/Duvall) the meeting adjourned at 7:10 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
October 5, 2010