Economic Development and Planning Committee

AMENDED REPORT 07-009

May 8, 2007

9:30 a.m.

Council Chambers

Hamilton City Hall

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

Staff Present: L. Coveyduck, General Manager - Planning and Development
T. McCabe, P. Mallard, T. Sergi, P. Mason, M. Sergi,
J. Hickey-Evans, B. Farkas, R. Walters, P. Delulio,
S. Murray, L. Brooks, A. Fletcher, D. Samis, D. Barnett – Planning and Development
A. Zuidema - Legal
A. Rawlings – City Clerk's Office

AT THEIR MEETING OF MAY 16, 2007, COUNCIL AMENDED THE REPORT BY REFERRING ITEM 10 BACK TO COMMITTEE

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 07-009 AND RESPECTFULLY RECOMMENDS:

1. New Sign By-law (PED06172(d)) (City Wide) (Item 5.1)

That Report PED06172(d) be received for Information.

2. Temporary Relocation of the School Crossing Guard from Hunter and Walnut Streets to Hess Street and York Boulevard (Ward 2) (PED07133) (Item 5.2)

(a) That the temporary relocation of the school crossing guard from Hunter and Walnut Streets to Hess Street and York Boulevard be approved.

(b) That staff continue to monitor the intersection of Hess Street and York Boulevard, as well as the intersection of Hunter and Walnut Streets when Queen Victoria Council – May 16, 2007
School re-opens, and report back with any further changes to school crossing guard assignments if necessary.

3. Demolition Permit – 10 Holmes Avenue (PED07140) (Ward 1) (Item 5.3)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 10 Holmes Avenue in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

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

4. Demolition Permit – 34 Dundurn Street North (PED07141) (Ward 1) (Item 5.4)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 34 Dundurn Street North in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;
(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

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

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

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

5. ERASE Redevelopment Grant Application (ERG-06-04) – 1562734 Ontario Inc. (Rick Cutler), 124 Walnut Street South, Hamilton (PED07144) (Ward 1) (Item 5.6)

(a) That ERASE Redevelopment Grant Application ERG-06-04, submitted by 1562734 Ontario Inc. (Rick Cutler), owner of the property at 124 Walnut Street South, for an ERASE Redevelopment Grant not to exceed $130,543 payable to 1562734 Ontario Inc. (Rick Cutler) over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

(b) That the City enter into an ERASE Redevelopment Agreement with 1562734 Ontario Inc. (Rick Cutler) regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 124 Walnut Street South, with such agreement to be satisfactory to the City Solicitor.

6. Volunteer/Sub-Committee Minutes – Hamilton LACAC (Municipal Heritage Committee) March 22, 2007 (Item 5.7)

That the Minutes of Hamilton LACAC (Municipal Heritage Committee) be received.

7. Application for a Further Modification to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1394 Upper Gage Avenue (PED07100(a)) (Ward 7) (Item 6.1)
That approval be given to Amended Zoning Application ZAR-06-100, 1215477 Ontario Inc. c/o, Hussein Ghaddar, Owner, for a further modification to the “H/S-751c” (Community Shopping and Commercial, etc.) District, Modified, to permit restaurants, including take-out and delivery food service with a maximum capacity of 30 seats per restaurant, as an additional permitted use, for the property located at 1394 Upper Gage Avenue (Hamilton), as shown on Appendix “A” to Report PED07100(a), on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07100(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

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

8. Application for a Change in Zoning for Lands Located at 55 Onyx Drive, Hamilton (PED07110) (Ward 7) (Item 6.2)

That approval be given to Zoning Application ZAR-06-92, 1146663 Ontario Limited, (C. Pietroantonio), owner, for a change in zoning from the “B-2” (Suburban Residential) District to the “C” (Urban Protected Residential, etc.) District, to permit three single detached dwellings on separate lots, on lands located at 55 Onyx Drive, as shown on Appendix “A” to Report PED07110, on the following basis:

(a) That the subject lands be rezoned from the “B-2” (Suburban Residential) District to the “C” (Urban Protected Residential, etc.) District.

(b) That the Draft By-law, attached as Appendix “B” to Report PED07110, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Hamilton Wentworth and Hamilton Official Plans.

9. Application for a Further Modification in Zoning for Lands Located at 700 Upper James Street, Hamilton (PED07138) (Ward 8) (Item 6.3)

That approval be given to Zoning Application ZAR-06-108, Naeem Mirza, Owner, for a further modification to the “H/S-1281” – ‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified, to permit a commercial driving school as an additional permitted use within the existing building, for the property located at 700 Upper James Street, as shown on Appendix “A” to Report PED07138(a), on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07138(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton Wentworth and Hamilton Official Plans.

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Street (Hamilton), as shown on Appendix “A” to Report PED07138, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07138, which has been prepared in a form satisfactory to the City Solicitor be approved; but not be forwarded to City Council for enactment until the owner receives approval of a Minor Site Plan Application and the requisite securities for site improvements have been provided to the Manager of Development Planning.

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

AT THEIR MEETING OF MAY 16, 2007, COUNCIL AMENDED THE REPORT BY REFERRING ITEM 10 BACK TO COMMITTEE

10. Applications to Amend the Stoney Creek Official Plan and for a Change in Zoning for the Property Located at 2247 Rymal Road East (Stoney Creek) (PED07143) (Ward 9) (Item 6.4)

(a) That approval be given to Official Plan Amendment Application OPA-06-27, by New Horizon Homes (c/o Jeff Paikin), applicant, for Official Plan Amendment No.____, to amend Schedule “A”, General Land Use Plan, from “Highway Commercial” to “General Commercial”, and Schedule “A3”, Secondary Plan – West Mountain Planning District, Heritage Green Section, from “Highway Commercial” to “General Commercial”, of the Official Plan for the former City of Stoney Creek, on the lands municipally known as 2247 Rymal Road East, as shown on Appendix “A” to Report PED07143, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07143, be adopted by City Council.

(b) That approval be given to Zoning Application ZAC-06-101, by New Horizon Homes (c/o Jeff Paikin), applicant, for a change in Zoning from the Highway Commercial (Holding) “HC-3(H)” Zone to the General Commercial “GC-54” Zone, and from the Highway Commercial “HC” Zone to the General Commercial “GC-54” Zone, to permit the development of a free-standing bank and a 2-storey building with retail on the ground floor and offices above, on the lands municipally known as 2247 Rymal Road East (Stoney Creek), shown as Blocks “1” and “2”, respectively, on Schedule “A” of Appendix “C” to Report PED07143, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED07143, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on May 10, 2007 respecting residential use, be enacted by City Council.

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(ii) That the amending By-law be added to Schedule “A”, Map No. 16, of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan of the City of Stoney Creek upon the approval of Official Plan Amendment No. ___.

(c) That upon finalization of the Official Plan and Zoning By-law Amendment, the Highland Neighbourhood Plan be amended to reflect the changes in land use designation.

11. Application to Amend the Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 475 Highway No. 5 West (Flamborough) (PED07136) (Ward 15) (Item 6.5)

That Zoning Application ZAR-06-21, Allen and Elise Christiansen, Owners, to amend the current Agricultural “A” Zone to permit a garden supply assembly operation for a maximum period of three years, for lands located at 475 Highway No. 5 West, former Town of Flamborough, as shown on Appendix “A” to Report PED07136, be denied on the following basis:

(a) That the proposal is not consistent with the Greenbelt Plan, since non-agricultural uses are not permitted in Prime Agricultural Areas.

(b) That the proposal is not consistent with the Provincial Policy Statement (PPS), since non-agricultural uses are not permitted in Prime Agricultural Areas.

(c) That the proposal does not conform to the Hamilton-Wentworth Official Plan or the Flamborough Official Plan, since non-agricultural commercial and industrial uses are not permitted at this location.

12. Response to the Provincial Draft Decision on the Rural Hamilton Official Plan (PED07132) (Item 7.1)

(a) That City of Hamilton staff inform the Minister of Municipal Affairs and Housing that the modifications identified in the Draft Decision for the Rural Hamilton Official Plan dated April 16, 2007, be accepted as follows:
(i) modifications 1 to 5, 6 a), 6 d), 7 to 9, 10 c), 11, 12 a) to d), 12 g), 12 i) to n), 12 p) and q), 13, 14 b) to d), 15 to 17, 19 a), 20 to 23, 25, 26 b), 26 d) to k), 26 m), 27 a) to k), 27 l) ii), 27 m) to p), 28 b) and c), 29.1 to 29.5, 29.7 to 29.15, 29 b), 30 i), 31, 33, 34, 36, 41 to 44 as identified in Appendix “A” attached to Report PED07132,

(ii) modification 32 i) as identified in Appendix “A” to Report PED07132 and mapped in Appendix “C” to Report PED07132,

(iii) modification 37 as identified in Appendix “A” to Report PED07132 and mapped in Appendix “D” to Report PED07132,

(iv) modification 38 as identified in Appendix “A” to Report PED07132 and mapped in Appendix “E” to Report PED07132,

(v) modification 39 as identified in Appendix “A” to Report PED07132 and mapped in Appendix “F” to Report PED07132), and

(vi) modification 40 as identified in Appendix “A” to Report PED07132 and mapped in Appendix “G” to Report PED07132,

(b) That City of Hamilton staff inform the Minister of Municipal Affairs and Housing that the modifications identified in the Draft Decision for the Rural Hamilton Official Plan dated April 16, 2007, be accepted only if the wording refinements and map reference changes, as identified in Appendix “A” attached to Report PED07132 are made to the following:

(i) modifications 6 c), 10 a) and b), 10 d), 12 e) and f), 12 h), 14 a), 18, 19 b) to d), 24, 26 c), 28 a), 29.6, and 32 a) to h), and 35,

(c) That the City of Hamilton staff inform the Minister of Municipal Affairs and Housing that the modifications identified in the Draft Decision for Rural Hamilton Official Plan dated April 16, 2007, not be accepted as follows:

(i) modifications 6 b), 12 o), 26 a), 26 l) and 27 l) ii), as identified in Appendix “A” attached to Report PED07132,

(ii) modification 30 ii) as identified in Appendix “A” to Report PED07132 and mapped in Appendix “B” to Report PED07132,

(d) That the City of Hamilton does not object to the deferrals to the Rural Hamilton Official Plan requested in the Draft Decision by the Ministry of Municipal Affairs and Housing dated April 16, 2007, provided the Ministry establishes a definitive time frame for the resolution of the deferrals as follows:
(i) Deferral 1 - Volume 1, Appendix C – Non Renewable Resources Map – the deferral will be removed upon the completion of the Aggregate Resources Strategy and undertakes an Official Plan Amendment to establish new mapping of potential non-renewable resources in the City, and, 

(e) That the City of Hamilton staff inform the Minister of Municipal Affairs and Housing that the following deferrals identified in the Draft Decision for Rural Hamilton Official Plan dated April 16, 2007, not be accepted, as follows:

(i) Deferral of 2 and 3, Volume 3, Chapter A, section 20, SPA B – Future Urban Growth, as the City of Hamilton will complete Phase 2 of the Official Plan which establishes policies and designations for the Urban Area of the City, implementing the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

13. Auchmar Estates, 88 Fennell Avenue West, Hamilton (PED07118(a)) (Ward 8) (Item 8.1)

(a) That Item (e) of the principles regarding the Auchmar Estates, approved by the former City of Hamilton Council on May 30, 2000, be rescinded to allow for either public or private ownership of the restored cultural heritage property.

(b) That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use and potential for increased value through an Official Plan Amendment, as necessary, and rezoning to allow additional permitted uses prior to disposal of the subject site. Such additional uses will be compatible with the surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.

(c) That subsequent to completing the rezoning process, the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to tender the sale of the Auchmar Estates through the issuance of a Request for Proposal, pursuant to the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(d) That the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to aggressively market the sale of the Auchmar Estates, including international exposure.
(e) That if no satisfactory interest has been expressed for the subject property in response to the issuance of the Request for Proposal, that staff report back to Council on future disposition options for the property.

(f) That Reports PED07118 and PED07118(a) be received.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

The Clerk advised of the following changes:

(i) Councillor McHattie has a Motion respecting Item 7.1 Auchmar, and this has been distributed this morning.

(ii) Councillor Whitehead will speak, on behalf of Councillor Collins, respecting Item 5.5, Demolition of the Dynes Tavern, 337 Beach Boulevard.

(iii) The following request to speak to Committee at the next Meeting;

   Alex Matheson, respecting his proposal “Going white for the Environment”

(iv) The following requests to speak to Committee today, respecting Item 7.1, the Rural Official Plan;

   Mark Noskiewicz, representing Multi Area Developments Inc

   Richard Skibinski, representing Judy Sykora

   Adi Irani, representing the HHHBA

(v) The following requests to speak to Committee today, respecting Item 8.1, Auchmar

   Judi Partridge, representing SISO
   Kieran Dickson representing Heritage Watch Hamilton
   C. Grant Head, representing Hamilton Heritage
   Allan Leighton
   Barbara J. Murray

Committee approved all the delegation requests.
Paul Mallard then advised that Item 12, 200 Chester Avenue, was being withdrawn from today’s Agenda, and the Public Meeting cancelled, as the final approval of the recent City-wide Institutional By-law had made the subject rezoning application redundant. Mr. Mallard added that the new by-law now allowed the residential use of surplus school board properties, without any need for a further rezoning, but that the rezoning application had been required at the time it was made.

Councillor Whitehead noted that a number of area residents were present to speak on the matter and requested that they be permitted to address Committee. Committee agreed that the residents be permitted to address Committee at the appropriate time.

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Announcements

Councillor Ferguson advised that he would need to absent himself from the meeting at 10:30 am, to attend an important announcement at Hamilton Health Sciences, and would return thereafter.

Councillors Bratina and Pasuta advised that they would need to leave the meeting at 11:00 am, to attend an announcement about the Green Belt, and would return thereafter.

(d) Approval of Minutes

Committee approved the Minutes of the Economic Development and Planning Committee meetings of April 17, 2007 and April 24, 2007.

(e) Demolition Permit – 10 Holmes Avenue (PED07140) (Ward 1) (Item 5.3)

Councillor McHattie advised that there is no building permit submitted for the subject site, and proposed the alternate staff recommendation.

Committee approved the alternate recommendation.
(f) Demolition Permit – 34 Dundurn Street North (PED07141) (Ward 1) (Item 5.4)

Councillor McHattie advised that there is no building permit submitted for the subject site, and proposed the alternate staff recommendation.

Committee approved the alternate recommendation.

(g) Demolition Permit – 337 Beach Boulevard (PED07142) (Ward 5) (Item 5.5)

Councillor Whitehead explained that Councillor Collins, the Ward Councillor, has concerns about the demolition of the subject building, and the potential loss of a heritage structure.

On a Motion (Whitehead/Duvall), Committee approved the following Motion:

That the above-mentioned Item be tabled, and that staff and the Hamilton LACAC (Municipal Heritage Committee) be directed to consider the matter of including Dyne’s Tavern, (located at 337 Beach Boulevard, Hamilton), in the municipal register of heritage properties as a property of cultural heritage value or interest and that staff and the Hamilton LACAC (Municipal Heritage Committee) report back to Committee at the earliest opportunity to advise and recommend an appropriate course of action or actions under the provisions of the Ontario Heritage Act.

(h) Application for a Further Modification to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1394 Upper Gage Avenue (PED07100(a)) (Ward 7) (Item 6.1)

A Public Meeting was held.

Chair Mitchell noted that an additional submission from Mary Anne Cretzman had been received.

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

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Shannah Murray outlined the report to Committee.

The applicant’s agent, George Zajac, Planning and Engineering Initiatives, addressed Committee, and confirmed that he was satisfied with the staff recommendation.

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

Committee approved the staff recommendation.

(i) Application for a Change in Zoning for Lands Located at 55 Onyx Drive, Hamilton (PED07110) (Ward 7) (Item 6.2)

A Public Meeting was held.

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

Daniel Barnett outlined the report to Committee, and explained a typographical error in the staff recommendation, on page 2, where the current frontage of the property should read “13.9 metres” and not “1.39 metres”.

The applicant’s agent, Angelo Cameracci, from Urbex, addressed Committee, and confirmed that he was satisfied with the staff recommendation.

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

The Ward Councillor, Scott Duvall, noted his support for the application.

Committee approved the staff recommendation.

(j) Application for a Further Modification in Zoning for Lands Located at 700 Upper James Street, Hamilton (PED07138) (Ward 8) (Item 6.3)

A Public Meeting was held.

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

Shannah Murray outlined the report to Committee.
The applicant’s agent, Rick Cutler addressed Committee, and confirmed that he was satisfied with the staff recommendation.

Two adjacent residents addressed Committee and expressed their concern that an appropriate privacy fence be erected, to screen the use from their property.

Shannah Murray confirmed that a 1.8 metre high wood board fence, not a frost fence, would be required as a condition at the site plan approval stage.

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

Committee approved the staff recommendation

(o)  Applications to Amend the Stoney Creek Official Plan and for a Change in Zoning for the Property Located at 2247 Rymal Road East (Stoney Creek) (PED07143) (Ward 9) (Item 6.4)

A Public Meeting was held.

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

Peter Delulio outlined the report to Committee and explained the methods being proposed to mitigate the potential noise impacts from the development, including the potential for a Noise Study at the site plan approval stage.

Councillor Clark expressed his concerns regarding the existing noise berm behind Fortino’s, which actually directs the noise into the backyards of the adjacent houses. He asked how the noise measures could be made to work and also noted flooding issues in the area.

Tony Sergi offered to give Councillor Clark an update about drainage issues in the Candlewood Subdivision, after the meeting.

Councillor McHattie raised issues about the drive-through being proposed for the bank within the development, the idling issues it raised and the need to ensure that residential uses are included in new commercial development along major corridors, such as Rymal, to meet out intensification targets and support transit.

Committee discussed these issues and had additional information supplied by staff.

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John Ariens, Planning and Engineering Initiatives, addressed Committee in support of the application. He explained that the building has been designed to facilitate compatibility between its uses and the neighbours, that the financial institution needs the drive-through facility and that the incorporation of mixed residential and commercial uses is difficult on a small site such as this.

Councillor Clark asked for information on air quality assessments, as there are three drive-through facilities nearby and a fourth is now proposed.

Staff responded that it was not appropriate to restrict drive-through facilities on one site, since the majority of commercial zones allow them. Staff explained that there are air quality studies on-going, with Clean Air Hamilton, which are helping to develop a pollution profile.

Councillor Ferguson asked for details of requirements of the number of cars in a drive-through lane, and staff advised that the limit would be 8-12 for a restaurant with a smaller number for banks.

Committee amended the recommendation, to allow unlimited residential use on the property. Committee approved the recommendation, as amended.

Councillor McHattie noted he would introduce a separate Motion respecting drive-throughs later in the meeting.

L) Application to Amend the Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 475 Highway No. 5 West (Flamborough) (PED07136) (Ward 15) (Item 6.5)

A Public Meeting was held.

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

David Falletta outlined the report to Committee. He explained the reasoning behind the recommendation to refuse the use, which has been known to be in existence since 2001.

Ed Fothergill addressed Committee on behalf of the applicant, and spoke to his two letters to the City, which had been included in the Agenda. Mr. Fothergill also handed out copies of an extract from the Town of Flamborough Official Plan. He indicated that his client had been caught by changes in the Planning Act and the Green Belt regulations and that the use itself was not really a Green Belt
issue. He requested that the use be approved as a temporary use or that he would withdraw the application, and not re-apply if his client is given adequate time to relocate.

Committee discussed the issues raised and had additional details supplied by the speaker. Committee considered ways to ensure that the business cease operation by October 31, 2007.

Committee approved the staff recommendation.

On a Motion (Pearson/Pasuta), Committee directed staff to delay any enforcement action until October 31, 2007.

(m) Application for a Change in Zoning for Lands Located at 200 Chester Avenue (PED07135) (Ward 8) (Item 6.6)

Chair Mitchell confirmed that the matter had been withdrawn from the Agenda by Planning staff.

Paul Mallard confirmed that this was no longer a Public Meeting under the Planning Act. As the recent approval of the new Institutional By-law now permitted residential uses on the subject property and had therefore made the subject rezoning application redundant.

Bob Harkness, 148 Chesley, a resident in the area, addressed Committee and expressed his concerns about the cancellation of the meeting. He explained that he and other residents had attended the Committee of Adjustment meeting in February and had requested to be kept informed about the applications for the site. He expressed disappointment and frustration that despite all of this, the City had not kept him informed of what was happening and now they had lost any opportunity to appeal.

Staff explained that the Institutional zoning changes were City-wide and had been the subject of two Public Information sessions and a Notice in the newspaper. Staff added that the Committee of Adjustment process is still ongoing.

On questioning by Committee, staff agreed that they had known on May 1, 2007 that the zoning application for Chester Street was no longer needed, but that they had not contacted the residents to advise them. Committee expressed concerns about the lack of notification to the residents.
Harvey Bailey, 845 Brigadoon, addressed Committee and expressed his frustration and annoyance with the lack of notice and thereby his loss of the opportunity to appeal.

Joe Menegon agreed with the other speakers and explained the importance of Gourlay Park to the entire neighbourhood, and how the park and school are the heart of the neighbourhood. He explained how the development would diminish the community’s enjoyment of the park and expressed concerns about the entire School Board process for selling off lands they consider surplus and their failure to inform or involve the public.

He considered that this lack of information to the public would continue to cause conflict with the community.

Councillor Whitehead expressed his concern with the School Board process for declaring land surplus and then disposing of the land. He noted that the City of Burlington buys surplus school board property and proposed that Hamilton should follow this approach.

Chair Mitchell thanked the speakers.

(n) City Initiative for a Change in Zoning for Lands Located at the Rear of 1717 Upper James Street (Hamilton) (PED07137) (Ward 7) (Item 6.7)

On a Motion (Duvall/Whitehead), the Public Meeting respecting 1717 Upper James Street (PED07137) was tabled to a future meeting, as the residents had only just received notice.

Staff was directed to circulate a date for the meeting, in the normal manner.

(o) Response to the Provincial Draft Decision on the Rural Hamilton Official Plan (PED07132) (Item 7.1)

Chair Mitchell noted that written submissions had been received and circulated today, from Susan Rogers, on behalf of owners in the Twenty Road East area and Glen Schnarr, on behalf of St. Mary’s Quarry.

Michelle Sergi introduced the staff report and explained that the report addresses comments from Ministry staff on the City’s Rural Official Plan. The City will now comment back to the Ministry and then the Ministry will make a final decision.
Thereafter, there is an appeal period of twenty days, within which anyone, including the City, may appeal.

Mr. Mason ran through the Modifications and deferrals proposed by the Ministry and the staff responses.

Staff explained that there was a minor revision in Appendix A, page 20, and the Clerk was directed to make the appropriate amendment.

Committee discussed the matters raised by the Ministry, and had further information supplied by staff about modifications and deferrals, whether the City should agree and how these would proceed. Committee considered the Ministry proposals for Elfrida and the Winona Urban Boundary, and whether they should be accepted.

Mark Noskiewicz addressed Committee on behalf of his clients who own land around the Elfrida node. They include Paletta, Urbex and others. He supported the GRIDS process and the Special Policy Area designation in the City’s plan and did not agree with the Ministry’s proposal for a deferral of this area.

Councillor Whitehead assumed the Chair, and Councillor Mitchell addressed the issue and spoke against the deferral of this area.

Art Zuidema explained that if the City advised the Ministry that they did not accept the deferral of Elfrida, this was not an automatic decision by the City to appeal.

Richard Skibinski addressed Committee on behalf of his clients, Judy Sykora, and others, who own land in the Highland Road, Swayze and Elfrida area. He agreed with the previous speaker, supported GRIDS, and suggested that the City not support the Deferral of Elfrida.

Adi Irani addressed Committee on behalf of the HHHBA. Mr. Irani supported GRIDS and the need for the City to go forward with the development identified through that process.

On a Motion (Clark/McHattie), Committee approved the following amendment to the staff recommendation:

(c) (i) …that modifications 31, 33 and 44 as identified be accepted

On a Motion (Clark/Whitehead), Committee approved the following amendment to the staff recommendation:

(d)(ii) The City of Hamilton does not accept deferral of 2 and 3, Volume 3, Chapter A, section 2.0, SPA B – Future Urban Growth as the City of Hamilton will
complete Phase 2 of the OP which establishes policies and designations for the Urban Area of the City, implementing the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

The staff recommendation, as amended, was then approved.

(p) **Auchmar Estates, 88 Fennell Avenue West, Hamilton (PED07118(a)) (Ward 8) (Item 8.1)**

Tim McCabe advised that there would not be a staff presentation, as all the information requested by Committee was in the staff report. Mr. McCabe confirmed that the subject property has been declared as surplus to the City’s needs and that the next steps will be a process for the rezoning and RFP for the lands.

He then explained that the staff report addresses the future uses for the property and not any future user of the property.

Mr. McCabe then noted that the buildings need extensive renovations, probably costing in the order of $3.9 million, and that there are approximately 3 acres covered by buildings on a 9.5 acre site. A number of potential concepts have been developed for the site and there must be a Public Meeting under the Planning Act for future amendments to the Official Plan and Zoning By-law, to allow the uses identified.

Mr. McCabe explained that 13 interested parties had made enquiries to the City about Auchmar, with an additional one today. He suggested that Committee should think about potential uses, from the community viewpoint, and only then move forward with a potential sale.

Judy Partridge, SISO, addressed Committee on behalf of SISO and gave an overview of her organization’s interest in using Auchmar as a Welcome Centre for immigrants and refugees. She confirmed that there are funds available from the Federal and Provincial governments, for such centres, and that Auchmar would be a good fit for this use.

Ms. Partridge noted that her organization’s plan for the use of Auchmar had been explained when she last appeared before Committee, and that SISO’s plans had been provided to Committee then.

She confirmed SISO’s intentions regarding the use and rehabilitation of the building. Ms Partridge also confirmed the need for a speedy decision by Council, in order for SISO to move forward with their requests for Federal and Provincial grants. She agreed that there had been no funding promises made by the Federal or Provincial governments.

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Committee asked a number of questions of the speaker. In response, Ms Partridge confirmed that SISO had previously looked at Century Manor but that they had no Board direction to continue investigating this location. In addition, SISO had no fallback position or alternative location, if their proposal for Auchmar was not successful. She stressed that Auchmar was a good site for SISO, and that their intent is to own.

Joanne McCallum, McCallum Sather Architects, addressed Committee and provided further design details for the proposed refugee complex.

Committee continued their discussion of the SISO proposal.

Councillor Bratina noted that a Downtown Hamilton location would be preferable for a Welcome Centre, since existing services for immigrants already exist there.

Councillor Clark expressed concerns about sole sourcing a City asset, since other groups should be given an opportunity to be involved in the process.

Kieran Dickson addressed Committee on behalf of Heritage Watch Hamilton and urged Committee not to make any quick decisions, since it is not clear what the Ontario Heritage Trust (OHT) will permit and there needs to be a process for public engagement in the matter. He added that Sean Fraser from OHT would be meeting with LACAC on May 15, 2007, to provide the Trust's position. Mr. Dickson urged Committee not to explore one single option for the use of Auchmar, but to involve the community in the choice of uses.

David Cuming addressed Committee and provided further information respecting the staff concepts which had been sent to the OHT for consideration. He confirmed that OHT staff would be meeting with LACAC on May 15, 2007, to discuss the roles and responsibilities regarding the easement agreement on the property.

Grant Head addressed Committee on behalf of the Heritage Hamilton Foundation, and showed Committee a powerpoint presentation. Mr. Head distributed copies of his proposal for Auchmar. He said that OHT is not prepared to approve any of the four staff options and that SISO does not understand the Heritage Easement and its restrictive covenants. Mr. Head spoke to his proposal to re-use this unique heritage site as a prestige venue for special events, promoting its special Scottish Links. He noted that the City of Burlington has successfully taken this approach with the Paletta Mansion. Mr. Head asked the City to give proper consideration to his proposal.

Allan Leighton addressed Committee as an area resident and noted that his neighbourhood wished to keep Auchmar as an historical part of the area. He explained that the local residents had not been kept informed, there had been no
public meetings or notices provided and that the SISO guidelines presented were shaky at best.

Mr. Leighton requested that Committee put the SISO process on hold while they start a public consultation process on the future use of Auchmar.

Barbara Murray addressed Committee and provided an overview of how the City acquired Auchmar, and the difficulties with the tenants at that time. She noted that a significant number of the public had toured the manor house, that the property had originally been much larger and that the retention of the remaining 9 acres of the property, with unobstructed views was essential. Ms Murray said that the public needs an opportunity to be involved in this process.

Committee agreed to hear additional speakers who were not on the agreed speakers' list.

Fred Napoli addressed Committee and explained his dream for Auchmar.

Pat Saunders, Mountain Heritage Society, addressed Committee as a long time resident of the Mountain. She said that the ownership of Century Manor did not rest with St. Joe's. Ms. Saunders requested Committee to make the right decision here and to consider the best, long-term use for Auchmar.

Ruth Robertson addressed Committee and said that Auchmar should be maintained as an international tourist destination, one which would particularly attract Scottish tourists. She noted her support for SISO but explained she was uncomfortable with the current process.

Janet Chafe addressed Committee and explained that Auchmar had been mismanaged in its early days under City ownership, that it should be developed as a tourist destination and that the City should show responsibility here. Ms Chafe said that SISO would not be properly located at Auchmar.

Another speaker addressed Committee and explained her support as a member of the Board for the SISO use of Auchmar.

Chair Mitchell noted that a Motion prepared by Councillor McHattie had now been distributed to members.

Councillor Whitehead advised that he did not wish to move his Notice of Motion respecting Auchmar, at this time, and requested it be left on the Agenda.

Councillor McHattie, seconded by Councillor Whitehead, put forward the following Motion:

Auchmar House
WHEREAS the Auchmar House property was deemed surplus land several years ago and listed for sale, and;

WHEREAS the property was on the market for several years and the Request for Proposal (RFP) was unsuccessful in attracting acceptable proposals, and;

WHEREAS the City of Hamilton now has a bonafide interested local partner in Settlement & Integration Services Organisation (SISO) who have submitted a proposal for adaptive re-use and rehabilitation for Auchmar House property, and;

WHEREAS Ontario Heritage Trust, who hold an easement on the property, have expressed their satisfaction, in principle, with the SISO proposal (rehabilitation of the Auchmar House and building on the footprint of the 1960s Catholic Nuns’ residence, and;

WHEREAS SISO has expressed interest in further restoring the front view of Auchmar House (as viewed from the open space component of the property) in siting a building further to the east from the former Catholic Nuns’ building footprint (and possibly de-linking the building from the Auchmar House proper, subject to discussions with the Ontario Heritage Trust, the Municipal Heritage Committee, and the Mountain Heritage Society).

NOW THEREFORE BE IT RESOLVED THAT:

a) The City of Hamilton shall delay an RFP process and direct staff to enter into a 12 month (one year) Memorandum of Understanding (MOU) with SISO, effective immediately, terms to be negotiated, and;

b) The MOU between the City and SISO will state that SISO will be allowed to commence necessary renovations deemed priority to the Auchmar Estate, subject to the requirements of the Ontario Heritage Act, and to operate an office within the location during the one year period. If SISO is unable to raise sufficient funds within the 12 month set time, any costs incurred by SISO at or on the Auchmar House property will be solely borne by SISO (noting that SISO has $800K to begin rehabilitation of Auchmar House immediately). If SISO is successful in raising sufficient dollars within the set time, the City agrees to transfer title of the Auchmar Estate to SISO for an agreed upon sum.

c) Staff be directed to proceed with a rezoning application (subject to an open and transparent public consultation process) to allow for adaptive re-use of the Auchmar House property as an immigrant/refugee reception facility as outlined in the SISCO proposal.
Councillor McHattie spoke in favour of his Motion and advised that the original owner of Auchmar, Sir Isaac Buchanan, was involved in assisting people such as escaped slaves and migrants from the Irish Potato Famine. He asked Committee to respect the past and look to the future and support his Motion and give SISO twelve months to put their plan into action.

Councillor Whitehead noted that this was a difficult decision, since SISO needed to move quickly and had a good use, but that there was a need to involve other groups and to involve the public.

Mr. McCabe cautioned Committee that approval of this Motion would tie up the property for 12 months, it gave legal rights to SISO and would exclude the involvement of any other interested party.

Councillor Pearson expressed her concerns that there was a need for a public process here, she could not support an agreement with one party now and that public interest has now been raised, as a result of the current debate.

Councillor Clark supported the process as put forward by staff, which would permit a prudent approach to the issue. He hoped that SISO would be able to participate in the RFP process.

Councillor McHattie called the question on his Motion, and requested a Standing Recorded Vote be taken. The Motion was not seconded, and thus no vote was required.

Committee then approved the staff recommendation.

Councillors McHattie and Whitehead asked for their opposition to be recorded.

(q) Review of prohibition of drive-throughs (Item 9.1, Added Motion)

On a Motion (McHattie/Clark), Committee approved the following;

That staff be directed to review the possibility of a City-wide prohibition on drive-throughs, through zoning or other by-laws, including the implications of such a prohibition, and to report back to Committee.

(r) Buffer Zones Around Environmentally Sensitive Areas (Added Motion)
On a Motion (McHattie/Clark), Committee approved the following;

That staff compare and rationalize the minimum vegetation protection zone identified in Rural Official Plan policy 2.5.8 with the 5m buffer zone applied in the Community Beach Ponds proposed development in Stoney Creek.

(s) **Request to Ministry of Natural Resources (Added Motion)**

On a Motion (McHattie/Clark), Committee approved the following;

That staff request the Ministry of Natural Resources to conduct a Provincial Wetland evaluation on the Community Beach Ponds lands to determine their Provincial status prior to any Council decision on the proposed developments for those lands.

(t) **SISO proposal respecting use of Auchmar (Notices of Motions Item 10.1)**

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

(u) **Stoney Creek Airport (Added Item 11.1)**

On a Motion (Pearson/Pasuta)), Committee approved the following;

That Item “B” By-law Infractions at Stoney Creek Airport be removed from the Outstanding Business List, and that staff be directed to contact the Federal Minister of Transportation again to request his input on this matter.

(v) **General Information (Item 11.2)**

Councillor Bratina advised the Committee that a $185,000 Provincial grant had been given today to the Royal Botanical Gardens, for a “Cootes to Escarpment Land Management Study”.

Councillor Pasuta advised that an additional Provincial grant of $25,000 had been given this morning to provide maps for an “Eat Locally” campaign.

(w) **Private and Confidential (Item 12)**
None

(x)  **Adjournment**

On a Motion, the Economic Development and Planning Committee adjourned at 4:05 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
May 8, 2007