Economic Development and Planning Committee
MINUTES 09-005
Tuesday, February 17, 2009
9:30 am
Albion Room
Hamilton Convention Centre
1 Summer’s Lane, Hamilton

Present: Chair M. Pearson
         Councillors: B. Bratina, B. Clark S. Duvall, B. McHattie, D. Mitchell,
R. Pasuta, T. Whitehead

Absent
With regrets: Councillor Ferguson – City Business

Staff Present: C. Murray – City Manager
              T. McCabe, General Manager – Planning and Economic
              Development
              P. Mallard, T. Sergi, B. Janssen, J. Spolnik, M. Hazell, A. Fletcher,
              R. Marini, T. Lee, J. Haan, C. Bell, A. Chan,
              E. John - Planning and Economic Development
              A. Rawlings, Co-ordinator, City Clerk's Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Ottawa Street Business Improvement Area (B.I.A.) Board of Management
   Resignation (PED07027(c)) (Item 5.1)
   (McHattie/Mitchell)
   That Report PED07027(c), Ottawa Street Business Improvement Area (B.I.A.) Board of
   Management Resignation, be received for information.
   CARRIED

2. Commercial Property Improvement Grant Program (C.P.I.G.) Applications
   (PED09052 ) (Wards 1, 2, 3, 4, 9, 13) (Item 5.2)
   (Mitchell/Bratina)
   (a) That the applications recommended for approval and identified within Appendix ‘A’
       to Report PED09052 be approved for funding according to the terms and
       conditions of the Commercial Property Improvement Grant Program (C.P.I.G.).

   (b) That applicants of properties with outstanding taxes be notified that a condition of
       the grant is that their property taxes must be paid in full prior to any grant monies
       being advanced for completed work, and that no grant funds will be paid out until
the condition is met and, if the property taxes are not paid in full within one (1) year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant will be cancelled by the Director of Downtown and Community Renewal, Planning and Economic Development Department.

(c) That the grant portion to fund the applications identified in Appendix ‘A’ to Report PED09052 in the total amount of $211,750.31 be funded as follows: $130,826.00 from Project ID# 8600803610 and $80,924.31 from the Commercial Property Improvement Grant Program Reserve Account.

(d) That unallocated grant monies identified in recommendation (c) above that result from taxes not being paid or applicants not proceeding with the renovation of their properties be transferred to the Commercial Property Improvement Grant (C.P.I.G.) Reserve to be utilized for future loan and grant programs administered by the Downtown and Community Renewal Division for Hamilton’s Business Improvement Areas.

(e) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion referenced in recommendation (c) above is not exceeded and said grant is in accordance with the program rules.

(f) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized to approve a maximum extension period of one (1) year to applicants for the completion of works, over and above the one (1) year period applicants are given that commences the date Council approves their grant.

(g) That staff be authorized and directed to prepare and execute Letters of Understanding with Council-approved applicants, with such Letters of Understanding being in a form satisfactory to the City Solicitor.  

CARRIED

3. Stoney Creek Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2009 (PED09054) (Ward 9) (Item 5.3)
(Mitchell/Clark)
(a) That the 2009 Operating Budget for the Stoney Creek Business Improvement Area (B.I.A.), attached as Appendix ‘A’ to Report PED08054, be approved in the amount of $25,000.00.

(b) That the levy portion of the Operating Budget for the Stoney Creek B.I.A. in the amount of $14,315.00 be approved.

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208,
The Municipal Act, 2001, to levy the 2009 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2009 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$3,578.75</td>
</tr>
<tr>
<td>April</td>
<td>$3,578.75</td>
</tr>
<tr>
<td>July</td>
<td>$3,578.75</td>
</tr>
<tr>
<td>October</td>
<td>$3,578.75</td>
</tr>
</tbody>
</table>

Assessment appeals may be deducted from the levy payments.

CARRIED

4. The Pearl Company, respecting request for total waiver of fees with respect to zoning at 16 Steven Street (delegation approved by Committee February 3, 2009) (Item 6.2)

(Mitchell/Bratina)
That the request from Gary Santucci and Barb Milne, requesting a waiver of the fees with respect to the rezoning of 16 Steven Street, be received.

CARRIED

5. Ryan Oosterhof, Losani Homes, respecting request to reduce a required radius on a temporary turnaround, Carlson Street Extension (25T200714) (delegation approved by Committee February 3, 2009) (Item 6.3)

(Clark/Duvall)
That the request from Ryan Oosterhof, respecting a reduction in a required radius for a temporary turning circle at Carlson Street extension be referred to staff, and that staff consult with other City Departments, including but not limited to, Emergency Services, Public Works – Waste Disposal, and Public Works – Traffic, and report back on the subject item and on City policy respecting the overall policy issue.

CARRIED

6. Re-establishment of the Taxi Reform Sub-Committee (PED09014) (City Wide) (Item 6.4)

(Clark/Duvall)
(a) That five members of City Council be appointed to the Taxi Reform Sub-Committee, including three from the Economic Development and Planning Committee and two Councillors from the balance of Council.

(b) That the Terms of Reference for the Taxi Reform Sub-Committee, attached as Appendix “A” to Report PED09014, be approved, as amended to require the five members of Council be appointed to the Sub-Committee, three from the Economic Development and Planning Committee, and two from other members of Council.

(c) That members of the Licensing Tribunal may not also be members of the Taxi Reform Sub-Committee.

CARRIED
7. **Exempt the Need for Multiple Licences for Like Businesses Associated with the Same Establishment – Referred from City Council on August 7, 2008 (PED09053) (City Wide) (Item 6.5)**

*(Clark/McHattie)*

(a) That, except in the case of a tobacco vendor licence:

(i) only one license fee including any inspection fee be charged for multiple licences at the same premises applied for at the same time; and,

(ii) only the administration portion of the license fee plus any inspection fee be charged for additional licences at the same premises applied for at a later date.

(b) That all applicants for new business licences be required to pay the current fee for a new licence including any zoning verification fee where required.

(c) That the by-law attached as Appendix “A” to Report PED09053, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the outstanding business item to exempt the need for multiple licences for like businesses associated with the same establishment (with the exception of tobacco vendor licences) be identified as complete and removed from the Economic Development and Planning Committee’s Outstanding Business List.

**CARRIED**

8. **Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 50 Dartnall Road, Hamilton (PED09047) (Ward 6) (Item 6.6)**

*(McHattie/Clark)*

That approval be given to **Zoning Application ZAR-08-050, by Armour Steel Supply Limited, Owner**, for a modification to the “M-13” (Prestige Industrial) District of Hamilton Zoning By-law No. 6593, in order to add a “Fabricated Metal Products Industry” as an additional permitted use, for the lands located at 50 Dartnall Road (Hamilton), as shown on Appendix “A” to Report PED09047, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09047, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

**CARRIED**
9. Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at 545 Eaglewood Drive (Hamilton) (PED09051) (Ward 7) (Item 6.7)  
(Clerk/Bratina)
That Zoning By-law Amendment Application ZAR-08-053, by Frisina Developments Inc., Owner, for a change in zoning from the “C”-”H” (Urban Protected Residential, etc. - Holding) District to the “C” (Urban Protected Residential, etc.) District, to permit a single detached residential dwelling unit on lands located at 545 Eaglewood Drive, as shown in Appendix “A” to Report PED09051, be Denied for the following reasons:

(a) That the requisite condition for the removal of the ‘H’ Holding Provision requiring land assembly with the adjacent lands (Block 23, Registered Plan 62M-622) has not been satisfied; and,

(b) That approval of the application would preclude orderly development with the adjacent lands.
CARRIED

10. Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11) (Item 6.8)  
(Clerk/Pasuta)
(a) That approval be given to Subdivision Application 25T-200605(R) by Empire Communities (Binbrook) Ltd., Owner, to revise the draft plan of subdivision for “Summerlea West”, subject to the following conditions:

(i) That this approval apply to “Summerlea West Redline Revision Draft Plan of Subdivision”, Revision 9, as further red-line revised, prepared by Armstrong Hunter & Associates, and certified by Bryan Jacobs, OLS, dated June 17, 2008, showing 117 single detached residential lots (Lots 1-117), 27 single detached residential blocks (Blocks A1-A18, A19-A26 and A30), 7 street townhouse blocks (Blocks A27-A29 and A31-A34), a mixed use block (Block D), a neighbourhood park block (Block G), an open space corridor (Block I), a stormwater management pond (Block H), a walkway/easement block (Block N), drainage channels (Blocks K and O), the creation of 14 new internal public roads (Streets A through J, and the extension of Voyager Pass, Whitwell Way, Gowland Drive, and Windwood Drive), two road widening blocks (Blocks B and C), and 5 blocks to be assembled for future development (Blocks E, F, J, L, M), attached as Appendix “C” to PED09046, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “G”.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
(1) That the City will cost share 50% for the equivalent of a 1.5m high galvanized fence that abuts City parkland, to be paid from the Development Charge Reserve.

(2) That there will be a City Development Charge contribution for the land component and construction costs of the Stormwater Management Pond, as identified in the Development Charges Background Study to the pre-determined upset limit amount.

(3) Any pavement widths greater than 8.0 metres within the subdivision limits.

(4) Any municipal works adjacent to the frontage of the park.

(5) Any watermain oversizing greater than 300 millimetres.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and the maximum permitted density for Blocks A1-A34, and 2% for the commercial block, minus the land credit related to the conveyance of Block G;

(b) That the conditions of draft plan approval of Draft Plan of Subdivision Application 25T-200605(R) by Empire Communities (Binbrook) Ltd., Owner, be revised by repealing the conditions of draft plan approval originally considered by Council as Report PED07148, and adopted May 30, 2007, and replacing with the conditions of draft plan approval shown in Appendix “G” to Report PED09046.

(c) That approval be given to Official Plan Amendment Application OPA-08-005, by Empire Communities (Binbrook) Ltd., Owner, for Official Plan Amendment No.____, to amend Schedule “B”, Binbrook Village Secondary Plan Land Use Plan of the Official Plan for the Township of Glanbrook, from “Institutional (Elementary School)” to “Neighbourhood Park”, from “Neighbourhood Park” to “Low Density Residential”, and from “Medium Density Residential” to “Low Density Residential”, on lands located within Lot 3, Concession 4 (Binbrook), on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED09046, be adopted by City Council.

(d) That approval be given to Zoning Application ZAC-08-014, by Empire Communities (Binbrook) Ltd., Owner, for changes in zoning from the Residential Multiple “RM3-219” Zone to the Residential Multiple “RM2-194” Zone
(Blocks 1 and 3, Schedule “A” of Appendix “E”); from the Residential Multiple “RM3-219”, Residential “R4-220” and Open Space “OS2” Zones to the Residential “R4-218” Zone (Blocks 2, 4, 6 and 7, Schedule “A” of Appendix “E”); from the Institutional “I” Zone to the Neighbourhood Park (P1) Zone (Block 5, Schedule “A” of Appendix “E”); from the Residential “R4-218” Zone to the Open Space (P4) Zone (Block 8, Schedule “A” of Appendix “E”); from the Open Space “OS2” Zone to the Open Space (P4) Zone (Block 9, Schedule “A” to Appendix “E”); and from the Open Space “OS2” Zone to the Conservation/Hazard Land (P5) Zone (Block 10, Schedule “A” of Appendix “E”), as shown on Schedule “A” of Appendices “E” and “F” to Report PED09046, on the following basis:

(i) That the draft By-laws, attached as Appendices “E” and “F” to Report PED09046, which have 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 Official Plan for the Township of Glanbrook upon finalization of Official Plan Amendment No. .

CARRIED

11. Application for a Modification in Zoning for Lands Located at 434 King Street West (Hamilton) (PED09049) (Ward 1) (Item 6.9)

(McHattie/Whitehead)

That approval be given to Zoning By-law Amendment Application ZAC-08-068, by 2083882 Ontario Inc., Owner, for a modification to the “H” (Community Shopping and Commercial, etc.) District of Hamilton Zoning By-law No. 6593, to permit a “Commercial Entertainment” establishment as an additional permitted use, on the lands known municipally as 434 King Street West, as shown on Appendix “A” to Report PED09049, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09049, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

CARRIED

12. Applications for Approval of a Change in Zoning and Official Plan Amendment for Lands Located at 201 King Street East (Dundas) (PED08248) (Ward 13) (Item 6.10)

(Clark/Duvall)

(a) That the amended Official Plan Amendment Application OPA-08-003, J. Douglas Hammond, Owner, for Official Plan Amendment No. , to amend
Schedule “A”, of the Town of Dundas Official Plan to change the “Parkland” designation to the “General Commercial” designation, in order to permit a self-storage facility on lands located at 201 King Street East (Dundas), as shown on Appendix “A” to Report PED08248, be denied.

(b) That Zoning Application ZAC-08-011, J. Douglas Hammond, Owner, for a change in zoning from the Park and Recreation (H-PR1-FP/S-85) Zone to the Highway Commercial - Flood Plain (C.H-FP/S-115) Zone Modified, to permit the development of a self-storage facility, on lands located at 201 King Street East (Dundas), as shown on Appendix “A” to Report PED08248, be denied.

CARRIED

13. Hamilton Downtown Heritage Grant Program (Added Motion)  
(Bratina/Clark)  
(a) That the Hamilton Downtown Heritage Property Grant Program currently available within the Downtown Community Improvement Project Area be extended to all Business Improvement Areas and, further;

(b) That $350,000 be re-allocated to this extended program from the Main Street Reserve Account Number 102048.

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) CHANGES TO THE AGENDA (Item 1)  

The Clerk advised of the following changes:

- The following delegation request has been withdrawn;

  4.2 Fred Bennink, Zip Signs, respecting request to remove two trees at 97-125 Wilson Street East, Ancaster

- The Closed Session item has been withdrawn,

  12.1 Update on OMB Appeals respecting proposed development on the North side of Parkside Drive, Waterdown

- One added item, referred by Council;

  Petition from residents opposing the Official Plan Amendment and Rezoning of 201 King Street East, Dundas
This will be considered as part of Item 6.10

The Agenda for the February 17, 2009, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

(i) The Minutes of the Economic Development and Planning Committee meeting of January 28, 2009, were approved.

(ii) The Minutes of the Economic Development and Planning Committee meeting of February 3, 2009, were approved.

(d) Delegation Requests (Item 4)

(i) Chris Kwiecen, Hillfield-Strathallan College respecting request for relief from parkland dedication for new construction (Item 4.1)

On a Motion (Clark/Bratina), Committee approved the delegation to speak at a future meeting.

(ii) Fred Bennink, Zip Signs, respecting request to remove two trees at 97-125 Wilson Street East, Ancaster (Item 4.2)

As noted in the Changes to the Agenda, Mr. Bennink has withdrawn his delegation request.

(e) Tyler McFadden, respecting anti-barking by-law (delegation approved by Committee February 3, 2009) (Item 6.1)

Mr. McFadden was not present to address Committee at the start of the meeting.

Later in the meeting, Chair Pearson again asked if Mr. McFadden was present. Mr. McFadden did not come forward to speak.
(f) The Pearl Company, respecting request for total waiver of fees with respect to zoning at 16 Steven Street (delegation approved by Committee February 3, 2009) (Item 6.2)

Barbara Milne and Gary Santucci gave an overview of their operation, the history of their building and their request for a waiver of fees.

Mr. Santucci highlighted a number of points, including, but not limited to, the following:

- building was zoned and used as commercial, then zoned residential, prior to the Pearl Company use, perhaps in error
- would like building classed as legal non-conforming, respecting use and parking
- likes new definition of mixed use and arts activities in new Official Plan,
- concern respecting payment of fees, whether rezoning or Committee of Adjustment, wishes fees to be waived.

The delegation provided two handouts in support of their request.

Committee discussed the matter and had additional information supplied by staff. Staff confirmed their support of the applicants’ endeavours, and the ongoing discussions between the parties, but indicated that they could not support the waiving of the required fees for a for-profit corporation. Staff also explained the progress of the new Official Plan and Zoning By-law, and the expected timing of these documents. They noted the difficulties posed by the ongoing operation of an illegal use, where no rezoning application has been made, and the aspects of enforcement and safety.

Committee noted their support of the applicants’ artistic endeavours and thanked the delegation for their work.

On a Motion (Bratina/McHattie), Committee received the written handouts.

On a Motion (McHattie/Bratina), Committee received the presentation.

(g) Ryan Oosterhof, Losani Homes, respecting request to reduce a required radius on a temporary turnaround, Carlson Street Extension (25T200714) (delegation approved by Committee February 3, 2009) (Item 6.3)

Ryan Oosterhof addressed Committee and explained the request from Losani Homes, reading from a prepared statement.

Tony Sergi explained the background to the request and the policies respecting temporary turnarounds within subdivisions.
Committee discussed the situation in detail, and had further information supplied by staff.

Committee referred the matter back to staff with direction.

(h) Re-establishment of the Taxi Reform Sub-Committee (PED09014) (City Wide) (Item 6.4)

Peter Barkwell addressed Committee and explained the desirability of separating the legislative and tribunal functions, respecting the regulation of the taxi industry, and other areas. He noted that there was no legal impediment to having the same Councillors sitting on both the Licensing Tribunal and the Taxi Reform Sub-Committee, and that his advice was precautionary.

Councillor Clark agreed that there could be a perception of bias if the same Councillors sat on both the Tribunal and the Sub-Committee.

Councillor Whitehead disagreed with the need to have separate Councillors on the two bodies. He added that it would be preferable in the long-run to have the Tribunal composed of citizen members.

Committee discussed the matter in detail, and had further information supplied by staff. Mr. Barkwell noted that he would provide this advice as part of the new Council Orientation, in 2010.

On a Motion (Clark/Duvall), Committee approved an amendment requiring that members of the Licensing Tribunal may not also be members of the Taxi Reform Sub-Committee. Councillor Whitehead requested his opposition be recorded.

Committee approved the recommendation, as amended.

Councillor Whitehead requested his opposition be recorded.

(i) Exempt the Need for Multiple Licences for Like Businesses Associated with the Same Establishment – Referred from City Council on August 7, 2008 (PED09053) (City Wide) (Item 6.5)

A Public Meeting was held.

Chair Pearson advised that the Public Meeting, under the Municipal Act, was being held to consider a change to the Licensing By-law, and that the meeting had been advertised in the local newspapers.

Marty Hazell provided an overview of the matter.
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Committee

No persons came forward to address Committee.

Committee approved the staff recommendation

(j) Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 50 Dartnall Road, Hamilton (PED09047) (Ward 6) (Item 6.6)

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

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

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

Chair Pearson advised that the Ward Councillor, Councillor Tom Jackson, is in support of the subject application.

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

Jennifer Haan was present to assist Committee.

The applicant, John Bruzzese, advised that he supported the staff recommendation.

Chair Pearson asked if there were any members of the public here to address the issue. None came forward.

Committee approved the staff recommendation.

(k) Application to Amend Hamilton Zoning By-law No. 6593 for the Property Located at 545 Eaglewood Drive (Hamilton) (PED09051) (Ward 7) (Item 6.7)

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

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

Chair Pearson confirmed that a letter from the lawyer for Frisina Developments had been distributed this morning. Committee received the letter.

Timothy Lee gave an overview of the subject application. He explained staff’s recommendation to refuse the application, as the conditions of the “H” Holding have not been satisfied, and land assembly has not taken place.

The applicant, Ralph Frisina, addressed Committee in support of the application. He provided a detailed overview of the history of the site and the difficulties respecting the land assembly, and noted that these points were also outlined in the letter from his lawyer. Mr. Frisina explained that while his company had made concerted efforts to purchase the land, these attempts had been unsuccessful. He requested that Committee approve his application.

Bill Baxter, Silvestri Investments, addressed Committee as a representative of the company which owned the sliver of land in question. He explained Silvestri’s attempts to find a settlement of the issue.

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

A proposal by Councillor Whitehead to refer the matter back to staff, to allow a meeting between parties was not seconded.

A Motion by Councillor Whitehead, seconded by Councillor Duvall, that the “H” Holding designation be lifted, and the subject application be approved, lost.

Committee then approved the staff recommendation.

Councillor Whitehead requested his opposition be recorded.

Councillor Whitehead requested that in the event of an appeal and an OMB Hearing, information on these costs should be provided by staff.
Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11) (Item 6.8)

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

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

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and the draft plan conditions, and passes the zoning by-law, the person or public body may not be added as a party to the hearing of an appeal before there are reasonable grounds to do so.

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

Chris Bell was present to assist Committee

The applicant’s agent, Paul Moore, Armstrong Hunter, advised that he supported the staff recommendation.

Chair Pearson asked if there were any members of the public here to address the issue. None came forward.

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

Councillor Mitchell expressed his concerns about the parking situation in the current subdivision, and how there was inadequate space both on-street and on individual lots, to park residents’ cars. Councillor Mitchell noted that this was an ongoing problem in an area not served by public transit. He also expressed concerns about space for snow storage and access for snowplows and for Emergency Services vehicles. He asked for design changes to address these problems.
Staff noted that the parking issue had previously been identified, and that the subdivision conditions included a requirement for the provision of 35-50 on-street parking spaces. Staff advised that a redesign of the subdivision to include more of a grid pattern had also provided more on-street parking, as more flankages had been created.

Committee approved the staff recommendation.

(m) Application for a Modification in Zoning for Lands Located at 434 King Street West (Hamilton) (PED09049) (Ward 1) (Item 6.9)

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

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

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

On a Motion (McHattie/Whitehead), Committee dispensed with the planner's overview.

Alvin Chan was present to assist Committee.

The applicant’s agent, Steve Fraser, A.J. Clarke, advised that he supported the staff recommendation. Mr. Fraser explained the community support for the application, and that the application was community-arts based.

He noted the request for the waiver of fees by the Pearl Company and explained that should this request be approved, he would also be requesting a refund of his application fee.

Chair Pearson asked if there were any members of the public here to address the issue. None came forward.

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

Committee approved the staff recommendation.
(n) Applications for Approval of a Change in Zoning and Official Plan Amendment for Lands Located at 201 King Street East (Dundas) (PED08248) (Ward 13) (Item 6.10)

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

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

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

On a Motion (McHattie/Whitehead) Committee received the following 2 items which were printed in the Agenda, and further communications distributed today.

6.10.1 Supplementary Information received, respecting communications between the Royal Botanical Gardens, Hamilton Conservation Authority, and the applicant

6.10.2 Supplementary Communications received from the public

6.10.3 Added Supplementary Communications

On a Motion (McHattie/Whitehead) Committee received the letters referred from Council, all of which were in opposition to the application.

Petition from residents opposing the Official Plan Amendment and Rezoning of 201 King Street East, Dundas

On a Motion (Pasuta/Whitehead) Committee received the following additional items:

Letter from the Hamilton Conservation Authority, advising that the Board does not support the rezoning application.
Letter from the RBG advising of their concerns respecting the subject application.

Additional letters received from the public, which were distributed today.

Councillor Brad Clark raised questions about the severing of personal information in letters and petitions being presented to Council and asked if the policies had changed. He noted the importance of including both names and addresses of persons who were writing to Council respecting planning issues, as the provision of these details was a requirement under the Planning Act when there are appeals.

The Clerk advised that this item was currently under review, and that an update would be provided to Committee as soon as possible.

Chair Pearson advised that the Ward Councillor, Councillor Russ Powers, was unable to attend today, due to his recent bereavement. She noted that Councillor Powers does not support the application.

Edward John gave an overview of the subject application, with the aid of a powerpoint presentation.

He highlighted a number of points, including, but not limited to, the following:

- the existing Official Plan designation and zoning by-law currently permit a range of uses, and the application proposes to add a self-storage use
- proposal has been reviewed by the usual environmental agencies, including ESAIEG, and the Hamilton Region Conservation Authority, and there are no objections from these agencies.

Ken Dakin, the applicant’s planning consultant, addressed Committee and introduced the applicant, Doug Hammond, and the team of consultants on the project.

He highlighted a number of issues, including but not limited to, the following:

- supports staff recommendation, application also supported by Hamilton Conservation Authority staff, no agencies are objecting but Hamilton Conservation Board is against the proposal
- current designation and zoning allow a range of uses, including licenced restaurant and storage, application proposes to add one use
- noted recent Eco Park Study, noted it was flawed, somewhat misleading, has been prepared privately and therefore not subject to any public review, should not be used to judge subject application
- subject application could co-exist with Eco Park concept
- land owned by Doug Hammond since 1998, land designated industrial or commercial in mid 1980’s, never zoned Green Belt
- no species are at risk on the property
- proposal not a high traffic generator, can be adequately landscaped, will not destroy escarpment views

Eha Naylor, from Envision-Hough Group, addressed Committee and highlighted a number of issues, including but not limited to, the following:

- likes Eco Park concept, knits together various uses and a range of sites, subject proposal can be part of that vision
- noted other large scale urban eco parks, such as National Capital Greenbelt and Rouge River Park, included many diverse uses
- Eco Parks need good strategies, co-operation between various owners, not just a question of buying up properties which are included

Brian Duxbury, the applicant’s lawyer, addressed Committee and highlighted a number of issues, including but not limited to, the following:

- land already designated and zoned for development, within an urban area, principle of development already established
- residents want a down-zoning but land is privately-owned
- Council should not give credence to unofficial plans
- Land has been filled with dense clay, is elevated above surroundings
- Proposal will bring additional taxes to City, self-storage will be useful to residents
- Applicant has carried out range of environmental studies, conclusion is development will not be a significant environmental issue

Karl Konze, Dougan Associates, addressed Committee regarding the Environmental Impact Statement. His points included, but were not limited to, the following:

- HCA staff supported the EIS findings
- Detailed review of site carried out, discussions held with RBG

Chair Pearson asked members of the public to come forward.

Tom Allen, 58 Melville Street, Dundas, addressed Committee, in support of the application. His points included, but were not limited to, the following:

- as one of applicants, supported the application
-seven year resident of Dundas, first job was Bank of Montreal, King Street, Dundas
-self storage will fit into surroundings which include recycling operation, hydro operation, sewage tanks, will be a transition between these uses and others
-self storage will be useful, convenient for residents, will generate taxes

Penelope Hill, 15 Forestview Drive, Dundas, addressed Committee, in opposition to the application. Her points included, but were not limited to, the following:

-spoken to hundreds of Dundas residents, all of whom oppose the application
-considers that “ball was dropped” and that citizens have had to do all work, and now have to come forward to organize petitions and to speak against the proposal
-site was part of Town owned property, expropriated in 1951 for public uses, several installed and this parcel left over
-sold to Mr. Hammond as “5 acres of parkland” for $51,680.00, he has dumped clay on it
-application will spoil beautiful entrance to Town
-RBG should have been against it
-applicant is not owed a favourable zoning decision, land should not have been sold to him
-self storage could be built elsewhere
-Council should deny application

Julia Kollek, 90 Victoria Street, Dundas, addressed Committee, in opposition to the application. Her points included, but were not limited to, the following and were illustrated with a powerpoint presentation:

- noted how the subject application and report did not accord with Vision 2020
- showed that subject site is surrounded by significant natural areas, including Lake JoJo, Delsey Wetlands, Volunteer March, Veldhuis Greenhouses, which is now owned by Halton Conservation, Butterfly Garden and Desjardins Canal
- Desjardins Canal is only body of water which does not freeze in winter, home to numerous waterfowl, turtles next along edges
- fill from the site is drifting into adjacent marsh area
- surrounding area has many unusual tree species, including black walnuts, eastern cottonwoods, some trees are now growing on site, need to remediate area
- proposal does not meet Triple Bottom Line criteria
- urged Committee to refuse application
Jim Stollard, 7 – 457 Woodview Road, Burlington, addressed Committee, in opposition to the application. His points included, but were not limited to, the following:

- representing Hamilton Naturalists’ Club, noted his group had sent in a letter of objection
- agreed with points made by Julia Kollek, this is significant area
- disagrees with staff report
- development not compatible with area around
- believes land in question is a wildlife corridor, has seen deer there
- light pollution will be difficult to contain, will have adverse impact on the area
- potential of storage of toxins within units on site, then toxins may migrate to creek
- Triple Bottom Line not met – application does not enhance the community
- Solluble pollutants, including salt, will damage ecosystem
- Negative impact on animals in area
- While the proposal may meet economic development criteria on the site, there are other developments which would be more suitable
- Does not meet intent of Cootes to Escarpment Vision
- Community is against this application

Virginia Cameron, 32 Macklin Street North, addressed Committee, in opposition to the application.

Ms. Cameron does not consider the application to be suitable. Sees Dundas as a destination, which would not be enhanced by this development.

Ben Vanderbrug, 20 Ridgeview Court, Ancaster, addressed Committee, in opposition to the application. His points included, but were not limited to, the following:

- worked with Brian Baetz and Joanna Chapman to bring about vision for an urban park in the area, desire to maximize open space in the area
- worked with Joe Berridge, well-known planner, who was so impressed with the area, he produced a report on the Eco Park, pro-bono. Said Study had been delivered to all Councillors
- spoke in favour of the 4 recommendations in report, and hoped report would be used later by the City of Hamilton
- application should be refused
- area is essential element of livability in the City, and should be preserved and enhanced
Jim MacDonald, 18 Witherspoon Street, Dundas, addressed Committee, in opposition to the application. His points included, but were not limited to, the following:

- huge number of residents against this proposal
- new resident of Dundas, loves area
- proposal will be a scar at the very entrance to Dundas, is wrong-headed, bad planning
- opposition is shared by Councillor Russ Powers, HCA Board, Berridge and Associates
- please reject the rezoning

Jean Westney, 15 Bendemeer Street, Dundas, addressed Committee, in opposition to the application. Her points included, but were not limited to, the following:

- five year resident of Dundas, cares about area
- critical of applicant and his approach, critical of his landscape architect and his lawyer
- wants parkland, real parkland on the site
- people in Dundas care about their area, that’s why they wrote letters, signed petitions, attended meetings

Terry Carleton, 63 Robinhood Drive, Dundas, addressed Committee, in opposition to the application. His points included, but were not limited to, the following:

- Dundas resident, vegetation ecologist, University of Toronto professor, conservation director of Hamilton Naturalists’ Club
- Opposed to Official Plan and Zoning By-law amendments, application is incompatible with surroundings
- Report does not give adequate overview of surroundings, area is central to a newly naturalizing area, area now regenerating, new tree growth occurring, includes eastern cottonwood, black walnuts
- In favour of Eco Park concept, in favour of Cootes to Escarpment Parks system, both plans include this site, support its future restoration
- Great potential here for future land improvement
- Prior to deposition of clay, site was wetland
- Requested Council deny application, swap these lands for other non-sensitive lands, and rehabilitate subject site
Joanna Chapman, 32 Thorpe Street, Dundas, addressed Committee, in opposition to the application. Her points included, but were not limited to, the following:

- landowner well aware land was designated parkland when he bought it, existing by-law has restricted uses as intended by Town of Dundas
- parkland zoning put in place 1998, included active and passive uses, plus restaurant, land previously briefly zoned industrial
- when amalgamation took place, no further need for former municipalities to maintain all the areas zoned for industrial park
- prior to fill being dumped from excavation of CSO tank, land was swampy, land should be restored
- highway commercial use proposed not appropriate on King Street, not a major street
- applicant and his agents are looking at one small aspect of site, but big picture must be considered in any future development
- suggested a land swap to enable self storage development to be built elsewhere, and allow site to be rehabilitated
- requested that Council agree with Councillor Powers and the Dundas community and refuse application
- none of the presenters has any pecuniary interest in the site, all are here because they care about Dundas and want land to be in public hands.

Louise Chambers, 63 Robinhood Drive, Dundas, addressed Committee, in opposition to the application. Her points included, but were not limited to, the following:

- 40 year resident of Dundas, cares for this community
- advised she had delivered the box of letters of opposition, to Councillor Powers, and presented an additional 8 letters
- emphasized importance of site as gateway to Dundas, very visible site, very important
- urged Council to listen to the residents and the Ward Councillor and refuse application

Keith Dunnett, 93 King Street East, Dundas, addressed Committee, in support of the application. His points included, but were not limited to, the following:

- lived in Dundas over 70 years, Town Councillor 1964, 75, 76, lives just 300 yards from the site
- familiar with site, never seen turtles there
- petitions can be misleading, many people will sign without truly understanding issues or may feel pushed into signing
- need for a self-storage facility, good location near transfer station and other similar uses, will bring new taxes
- believes development will be well built

Steve Grzenda, 109 Seymour Drive, Ancaster, addressed Committee, in opposition to the application. His points included, but were not limited to, the following:

- in self-storage business, always considered this to be an industrial use but staff report says it is a commercial use
- does recommendation for approval of self-storage in this location indicate that this is now a use which can go into commercial zones
- illogical to sell parkland and then allow its development for commercial uses
- need for parkland is well documented in City, Councillors concerned that surplus school sites are being sold for development because of loss of parkland, so this recommendation for approval does not make sense
- recommended against the application

Ken Hall, 43 David Street, Dundas, addressed Committee, in opposition to the application. His points included, but were not limited to, the following:

- involved in local environmental issues over many years, through BARC, RAP and now involved in NEC issues
- when BARC started, Hamilton had worst situation of Great Lakes areas but strongest citizens group
- in BARC and RAP, needed to address problems of past, many of which had happened through ignorance, and move the wrong things out of the area and improve the situation
- if Council approves this, it will be the wrong decision and we'll have to fight later to get it out and improve the situation
- suggested owner bought land with awareness of zoning and restrictions, should stick with existing zoning
- urged Council to recognize the jewel represented in this site, protect, improve and conserve site, refuse this application.

Laurel Harrison, 267 Cornwallis Street, Ancaster, addressed Committee, in opposition to the application. Her points included, but were not limited to, the following:

- represents Earth Day Hamilton, organization which plants trees
- group has done extensive planting at Princess Point and elsewhere, now looking at planting in Desjardins Canal area
- urged Council not to approve the subject application
Chair Pearson asked if any further members of the public wished to address Committee. No further speakers came forward.

Committee discussed the matter and points raised by the speakers.

Chair Pearson relinquished the Chair to Vice-Chair Bratina.

Councillor Pearson asked staff what would be the outcome if Council refuses the application and the applicant appeals. Mr. McCabe explained that as staff supports the application, the City would need to have external planners to represent the City at the OMB. Mr. McCabe added that the Site Plan process, which will be a requirement of this application, is not a public process.

Chair Pearson resumed the Chair.

Councillor Clark, seconded by Councillor Duvall, moved to refuse the application.

On a Standing Recorded Vote, Committee voted unanimously to refuse the application.

YEAS: Pearson, Bratina, Clark, Duvall, Mitchell, Pasuta
TOTAL: 6
NAYS: 0
ABSENT: McHattie, Ferguson, Whitehead

CARRIED

(o) **Potential Added Intensification to the Downtown Urban Growth Centre (Item 10.1)**

Chair Pearson noted that Councillor McHattie had left to attend a prior commitment. She noted that Councillor McHattie had requested that his Notice of Motion be held over until the next meeting.

Committee agreed to the request.

(p) **Applicability of the recent St Catharine’s Study on Licensed Establishments, on the Hess Village Entertainment District (Item 10.2)**

Councillor Bratina noted that his proposal had essentially been overtaken by the Council direction of February 11, 2009 on Hess Village. Staff confirmed that they were looking at all the aspects respecting Hess Village, as directed by Council, including the St. Catharine’s study.
Councillor Bratina withdrew his Notice of Motion.

(q) Licensed seats (indoor and outdoor) in the Hess Village Entertainment District (Item 10.3)

Staff confirmed that this matter was also being reviewed, following Council direction.

Councillor Bratina withdrew his Notice of Motion.

(r) Notices of Motion (Item 10)

Councillor Bratina introduced a Notice of Motion respecting the extension of grants to BIAs.

On a Motion (Bratina/Clark), Committee voted to waive the rules and permit the matter to proceed as a Motion.

Committee expressed their support for the Motion, and then approved it.

(s) Notices of Motion (Item 10)

Councillor Duvall introduced the following Notice of Motion on behalf of Councillor Whithead, respecting the Licensing Tribunal.

That the Governance Committee consider the Taxi Licensing Tribunal becoming a citizen-appointed Committee.

(t) General Information (Item 11)

(i) Licence plates for veterans who served in World War II or in Korean War (from Outstanding Business List, due February 2009) (Item 11.1)

Staff advised that the subject report would be coming to Committee on the March 3, 2009 Agenda.

(ii) Copetown Lions proposed Seniors’ Housing (from Outstanding Business List, due February 2009) (Item 11.2)

Staff advised that they had not received further information on the item.
Committee directed that a letter be sent to the applicants requesting an update.

(iii) Regulating Residential Rental Housing (from Outstanding Business List, due February 2009) (Item 11.3)

In the absence of Councillor McHattie, Committee agreed to consider this item at their next meeting.

(iv) News from the General Manager (Item 11.4)

Mr. McCabe did not have any items to discuss.

(u) Private and Confidential (Item 12)

(i) Update on OMB Appeals respecting proposed development on the North side of Parkside Drive, Waterdown (Item 12.1)

As noted under Changes to the Agenda, this item has been postponed, pending further discussions between the parties.

(v) ADJOURNMENT (Item 13)

(Clark/Duvall)
The Economic Development and Planning Committee adjourned at 4:30 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
February 17, 2009