Economic Development and Planning Committee
REPORT 10-008
Tuesday, April 20, 2010
9:30 am
Albion Room, Convention Centre
1 Summer’s Lane
Hamilton, Ontario

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

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
T. Sergi, M. Hazell, P. Mallard, R. Marini, J. Spolnik, A. Chan,
E. John, P. De Iulio, J. Thompson, S. Robichaud, J. Haan,
D. Fama, J. Muller, D. Cuming, D. Falletta, D. Barnett, G. Norman,
D. Ortiz - Planning and Economic Development
D. Fisher, A. Zuidema – Legal Services
A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 10-008 AND RESPECTFULLY RECOMMENDS:

1. Commercial Heritage Improvement and Restoration Program (CHIRP), Fall
2009 Grant Application for 109 George Street, Hamilton (PED10086) (Ward
2) (Item 5.1)

(a) That a Conditional Grant Agreement be issued within the terms of the
Commercial Heritage Improvement and Restoration Program (CHIRP) for 109
George Street, Hamilton, for the project described in Appendix “A” to Report
PED10086.

(b) That the applicants be notified 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 this condition is met and, if the property taxes are not paid in
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full within one year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant offer will be considered void and withdrawn.

(c) That the grant portion for the project, in the total amount of $20,000.00, be funded from the CHIRP Reserve 102047.

(d) That the Director of Planning be authorized and directed to approve increases/decreases to individual components of the grant amount approved as long as the overall grant does not exceed $20,000.00, and that any grant increase/decrease is in accordance with all program requirements.

(e) That the Director of Planning be authorized to approve a maximum extension period of ninety days to the applicants for the completion of the work, over and above the one-year period that the applicant is allowed in accordance with the terms and guidelines of the program, which commences the date Council approves the grant.

(f) That staff be authorized and directed to prepare and execute a Letter of Understanding with the applicant, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

(g) That where identified as being required, the applicant shall obtain a Heritage Permit prior to commencing the project.

(h) That this report be forwarded to the Hamilton Municipal Heritage Committee for information.

2. Hamilton Community Heritage Fund Loan (HCHF2009-004), Fall 2009 Loan Application for 122 MacNab Street South, Hamilton (PED10093) (Ward 2) (Item 5.2)

That approval be given to Hamilton Community Heritage Fund Loan Program Application (HCHF2009-004), for property located at 122 MacNab Street South, Hamilton, as shown on Appendix “A” to Report PED10093, subject to the following:

(a) That a loan commitment of $17,220 be approved, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program, for restoration of the rubblestone north end-wall of the designated building, as approved under Heritage Permit Application HP2009-068.

(b) That the property owner and the City shall enter into a Heritage Conservation Easement Agreement.
(c) That the Mayor and Clerk be authorized and directed to execute the loan agreement and security documentation with respect to (a), in a form satisfactory to the City Solicitor.

(d) That the General Manager of the Planning and Economic Development Department be authorized to amend the loan agreement provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.

(e) That the applicant shall comply with the conditions of Heritage Permit HP2009-068, as approved by the Director of Planning, as advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.

(f) That Report PED10093 be forwarded to the Hamilton Municipal Heritage Committee for information.

3. Hamilton Downtown Property Improvement Grant Program – 52 Cannon Street West – Agreement – EZ08/01 (PED10080) (Item 5.3)

a) That the Hamilton Downtown Property Improvement Grant, as detailed within Report PED10080, be applied to 52 Cannon Street West as the development of the property is complete and the terms and conditions of the Program have been satisfied.

b) That the Mayor and City Clerk be authorized and directed to execute the Agreement attached as Appendix “A” to Report PED10080.

4. Ancaster Business Improvement Area (B.I.A.) Revised Board of Management (PED09042(a)) (Item 5.4)

That the following individual be appointed to the Ancaster B.I.A.’s Board of Management:

Robert Brownlie

5. Application for Approval of Change in Zoning for Lands Located at 955 Regional Road 97 (Flamborough) (PED09132(a)) (Ward 14) (Item 6.1)

(a) That the City of Hamilton recognise the legal non-conforming use respecting the trucking operation at 955 Regional Road 97 Flamborough;

(b) That the current application for rezoning of the property, to permit a topsoil operation and a separate truck depot, be withdrawn
(c) That Report PED09132(a), Application for Approval of Change in Zoning for Lands Located at 955 Regional Road 97 (Flamborough) (PED09132(a)) (Ward 14), be received for information.

6. Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-200905) for Lands Located at 625 Garner Road East (Ancaster) (PED10092) (Ward 12) (Item 6.2)

That approval be given to Condominium Application 25CDM-200905, Mattamy (Southcote), Mattamy Homes Limited, (Jenn Morrison), Owner, to establish a Draft Plan of Condominium (Common Element) to create an internal road network and visitor parking for 52 townhouse dwelling units within Block 1 of Registered Plan 62M-1135, located at 625 Garner Road East (former Town of Ancaster), as shown on the attached map marked as Appendix “A” to Report PED10092, subject to the following conditions:

(a) That this approval applies to the plan prepared by A.T. McLaren Limited, and certified by S.D. McLaren, O.L.S., dated August 31, 2009, showing the internal road network and visitor parking, attached as Appendix “B” to Report PED10092.

(b) That the Final Plan of Condominium complies in all respects, including finalization of the Site Plan Approval, related to this development.

(c) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

(d) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Approval.

(e) That the Owner agrees to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes.

(f) That the Owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

7. Application for a Change in Zoning for the Lands Located at 116 Hess Street North (Hamilton) (PED10067) (Ward 2) (Item 6.3)

That approval be given to Zoning Application ZAR-09-040, by Ian Murray, Owner, for a change in zoning from the “D” (Urban Protected Residential - 1 and 2 Family Dwelling) District to the “D/S-1629” (Urban Protected Residential - 1 and 2 Family Dwelling) District, Modified, with a Special Exception, to permit the conversion of the existing two
(2) family dwelling into a single family dwelling containing a home occupation, on lands located at 116 Hess Street North (Hamilton), as shown on Appendix “A” to Report PED10067, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10067, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “S-1629”.

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

8. Application for Approval of a Draft Plan of Condominium Conversion (CDM-CONV-09-05) for Lands Located at 2520 Barton Street East and 45 Barlake Avenue, Hamilton (PED10085) (Ward 5) (Item 6.4)

That approval be given to Condominium Conversion Application CDM-CONV-09-05, by Pat and Dia Ltd., Owner, to establish a Draft Plan of Condominium for two existing apartment buildings containing a total 293 dwelling units, and 2 commercial units, located at 2520 Barton Street East, and 45 Barlake Avenue (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED10085, subject to the following conditions:

(a) That this approval apply to the plan prepared by Holstead & Redmond Limited, and certified by R.H. Kruys, O.L.S., dated November 4, 2009, showing a total of 293 residential apartment units, 2 commercial units, and 333 parking spaces, attached as Appendix “B” to Report PED10085.

(b) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

(c) That the Owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

(d) That the Owner shall submit a report in accordance with Section 9 (4) of The Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(e) That the Owner shall include the following warning clauses in all Purchase and Sale Agreements and any Rental or Lease Agreements required for occupancy:
“Purchasers/tenants are advised that sound levels, due to increasing road traffic, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

“That the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road”.

(f) That the Owner provides a centralized mail facility, at their expense, with a common lobby, common indoor, or sheltered space, to the satisfaction of the Manager of Building Engineering and Zoning and Canada Post.

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

(h) That the Owner permanently closes the external access to the variety store located within the existing building, to the satisfaction of the Manager, Building Engineering and Zoning.

9. Location and Implementation of Urban Braille (PED10089) (City Wide) (Item 7.1)

(a) That Urban Braille be implemented on a priority basis in the Hamilton Downtowns, as shown on the location maps contained in Appendix “A” of Report PED10089, as follows:

(i) Downtown Dundas;
(ii) Downtown Stoney Creek;
(iii) Ancaster Village Core;
(iv) Downtown Waterdown, and
(v) Business Improvement areas

(b) That Urban Braille installation projects, proposed as part of any streetscape or road improvements and rehabilitation, or as directed by an applicable Secondary Plan for those downtown areas described in Recommendation (a), be brought forward as part of the Public Works 10-year Capital Improvements Budget.

(c) That Urban Braille be incorporated into municipal parks and public building locations in consultation with Public Works staff and the Advisory Committee for Persons with Disabilities, on a case-by-case basis, and only implemented based on a demonstrated need, transit accessibility, and budget availability.
(d) That, in accordance with Section 41 of the Planning Act, respecting provisions for persons with disabilities, Urban Braille be implemented on portions of private property with a semi-public character or function, on a case-by-case basis, and where there is no alternative way of finding measures for the visually impaired or blind from a public sidewalk or a readily accessible bus shelter to a main entrance of:

(i) Hospitals;
(ii) Community Centres;
(iii) Educational Facilities;
(iv) Retirement Homes;
(v) Nursing or other care facilities for the elderly;
(vi) Residential Care Facilities; and,
(vii) Shopping Malls.

(e) That the City staff leading the implementation of the Pan-Am Games in 2015 be advised of the Advisory Committee for Persons with Disabilities direction respecting the implementation of Urban Braille, and report back to Council and the Advisory Committee for Persons with Disabilities on the feasibility of Urban Braille installation in the Pan-Am Games facilities and property.

(f) That Planning staff be directed to monitor the Urban Braille Program and report back to the Economic Development and Planning Committee, as appropriate.

(g) That Report PED10089 be forwarded to the Advisory Committee for Persons with Disabilities for information.

(h) That the “Urban Braille for New Site Plans - Advisory Committee for Persons with Disabilities Report” be removed as an Outstanding Business List Item of the Economic Development and Planning Committee.

10. Application for an Amendment to a Ministry of Environment Certificate of Approval (5328-4XUNBE) for Expansion to a Waste Disposal Site, Ministry of Environment Reference # 9666-7 YTLZR, 164 - 174 South Service Road, Stoney Creek (PED10088) (Ward 10) (Item 8.1)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving **Application CA-10-001, RPR Environmental, Applicant**, for an Amendment to a Certificate of Approval (5328-4XUNBE), MOE Reference # 9666-7 YTLZR, to permit Units 172 and 174 to be used for the storage of waste, for the lands located at 144 - 190 South Service Road, Stoney Creek, as shown on Appendix “A” to Report PED10088, that the City of Hamilton requests:

(a) That, if approved, the Amendment to the Certificate of Approval include the following requirements:
(i) That prior to receiving any waste materials in Units 172 and 174, the proponent obtain a building permit from the Building Services Division for the proposed conversion of Units 172 and 174 to an F1 Industrial Occupancy, for the installation of a door opening in the fire separation wall between Units 170 and 172, and the installation of fume hoods and construction of a Quality Control lab in all areas (Units 164 - 174), to the satisfaction of the Director, Building Services, City of Hamilton.

(ii) That prior to receiving any waste materials in Units 172 and 174, a revised Part 4 Building Audit shall be prepared and submitted, to the satisfaction of Hamilton Emergency Services - Fire, to confirm that the existing and proposed storage of flammable and combustible liquids is in full compliance with Part 4 of the 2007 Ontario Fire Code Compendium. The Audit shall be completed by a Professional Engineer or Architect, and must include all aspects of Part 4, including the transfer and loading/unloading of the flammable and combustible liquids to/from the tanker vehicles. It shall also include spill control measures (i.e. expansion of existing berms and covering of floor drains in new floor areas to be included in the facility, and ventilation measures, including the design of the proposed fume hoods).

(iii) That the Certificate of Approval limit the maximum daily transfer of waste to a maximum rate of 597,000 litres of hazardous, liquid industrial, and other liquid waste per day, and a maximum of 398 tonnes of hazardous and non-hazardous solid waste per day.

(iv) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment.

(v) That waste shall only be permitted to be stored within Units 164 to 174 of the building at 144 to 190 South Service Road.

(vi) That the Certificate of Approval include strict requirements for excellent on-site housekeeping practices for the approved classes of waste to minimize adverse effects to the surrounding uses.

(vii) That the proponent implements spills prevention on-site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on-site and clean-up procedures are covered under the Certificate of Approval, and that the City’s Spills number (905) 540-5188 is included in the company’s on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire fighting activity from the operation. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment.
(viii) That the Certificate of Approval includes requirements for strict adherence to all department/agency requirements, including those of the Ministry of Environment, Ministry of Labour, and Hamilton Emergency Services - Fire (Fire Safety Inspection Report dated February 18, 2010).

(ix) That an adequate evaluation occur to assess that the increased volume can be properly stored/processed.

(x) That an internal Emergency Response Plan be prepared and sent to Hamilton Emergency Services - Fire for review and comment.

(xi) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities along with the applicable MSDS sheets, be externally stored in a secured location on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24-hours a day, 7-days a week, 365-days a year.

(xii) That the applicant provides the City of Hamilton Traffic Engineering Group, Public Works Department, with details regarding current and expanded truck operation activity to and from the site via South Service Road, Pinelands Avenue, and Community Avenue.

(xiii) That the applicant provides the City of Hamilton Traffic Engineering Group, Public Works Department, with details on the width and radius of the existing accesses to Pinelands Avenue, apply for an Access Permit, if determined necessary, and undertake curb cuts and access widening in accordance with City standards to accommodate delivery truck designs.

(xiv) That the waste accepted be limited to waste generated only from the Province of Ontario.

(xv) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.

(xvi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(b) That a copy of Report PED10088 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.
11. Lot Grading and Drainage (PED10091) (City Wide) (Outstanding Business List Item) (Item 8.2)

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

12. Matter before the OMB, respecting an appeal by Losani Homes regarding the Greenhill Glenn development application (Added Item 12.1)

That the City of Hamilton considers the development proposed by Losani Homes through applications ZAC-08-088 - zoning and 25T-200811 - subdivision, now before the Ontario Municipal Board, to be inconsistent with the City's Official Plan, and an over intensification of the subject lands

13. Matter before the OMB, respecting an appeal by Sulphur Springs Development Corp, respecting 237 and 271 Lime Kiln Road, Ancaster, ZAC-04-21 and 25T-200403 (Added Item 12.2)

That the City of Hamilton request the Ontario Municipal Board to postpone the scheduling of a hearing concerning City files ZAC-04-21 and 25T-200403 until an Independent statutory process under the Cemeteries Act has concluded

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- two further delegation requests, added as items 4.4 and 4.5
- three Closed Session items respecting three matters before the Ontario Municipal Board, to be added as Items 12.1, 12.2 and 12.3

Committee approved the Agenda, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None
(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee meeting of April 6, 2010 were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Ed Fothergill, respecting Item 6.1 Application for Approval of Change in Zoning for Lands Located at 955 Regional Road 97 (Flamborough) (Item 4.1)

Committee approved the delegation request, to speak to Committee today.

(ii) Michael Roche, respecting Item 8.2 Lot Grading and Drainage (4.2)

Committee approved the delegation request, to speak today.

(iii) Steve Mahoney respecting Pay Assurance, request to address Committee May 4, 2010, when staff report is considered (4.3)

Committee approved the delegation request, to speak at the meeting when the staff report is presented.

(iv) Jim Coverdale, respecting Item 6.1 Application for Approval of Change in Zoning for Lands Located at 955 Regional Road 97 (Flamborough) (Added Item 4.4)

Committee approved the delegation request.

(v) Arend Kersten, Flamborough of Commerce, respecting Item 6.1 Application for Approval of Change in Zoning for Lands Located at 955 Regional Road 97 (Flamborough) (Added Item 4.5)

Committee approved the delegation request.
(e) Hamilton Downtown Property Improvement Grant Program – 52 Cannon Street West – Agreement – EZ08/01 (PED10080) (Item 5.3)

Councillor Bratina noted his satisfaction that this business was being established on Cannon Street, and that this was good news for economic development in the Downtown area.

(f) Conversion Without Building Permits of Single Detached Houses to Student Houses (PED10097) (City Wide) (Outstanding Business List Item) (Item 5.5)

On a Motion (McHattie/Clark), the matter was deferred to permit time for the Ward Councillor to talk to staff.

(g) Application for Approval of Change in Zoning for Lands Located at 955 Regional Road 97 (Flamborough) (PED09132(a)) (Ward 14) (Item 6.1)

Alvin Chan was present to assist Committee and explained the background to the report, the previous Public Meeting and what had happened since then. He noted that Economic Development staff had met with the applicant to review alternate sites, but that none had proved suitable.

The planner explained that the staff position respecting the lack of proof of legal non-conformity had not changed.

Dio Ortiz explained how building staff review requests respecting legal non-conformity matters.

Tim McCabe noted that if legal non-conformity is established for this site, there is no need for the zoning application. He suggested referring the letters received today to legal staff, for their review. Mr. McCabe noted that the application for a rezoning was currently before Committee and is the subject of the staff report.

Ed Fothergill, Fothergill Planning and Development, addressed Committee on behalf of the applicant. His points included, but were not limited to, the following:

- letter distributed today includes Affidavit of Mr. Coverdale respecting use on site
- use is supported by neighbours
- parts of business have moved out over the years, but at all times, parts of business have continued to operate on the site
- Mr. Coverdale, 40 years in business, would be devastating if business not approved, could not relocate, would close
- Want Committee to recognize business as legal non-conforming, if that happens, will withdraw rezoning application to expand business for additional trucks plus landscape business
- Issue is business retention, Green Belt legislation permits continuance of legal non-conforming businesses
- If Committee recognizes the legal non-conforming business, he will shut down added uses but will need time to transition.

Councillor Pasuta noted that from his personal experience, everything in the Affidavit of Mr. Coverdale looks correct. He added that he would be willing to swear an affidavit to this.

Arend Kersten, Executive Director, Flamborough Chamber of Commerce, addressed Committee in support of Mr. Coverdale and the continuation of his business.

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

Don Fisher suggested it would be appropriate to refer to the documents received today to legal staff for a careful review, in order that any decision of Committee can be seen as thorough.

A Motion to agree that the trucking use is legal non-conforming and that the rezoning application be withdrawn was approved on a Standing Recorded Vote:

YEAS: Ferguson, Bratina, McHattie, Pasuta, Mitchell, Pearson, Whitehead
Total: 7
NAYS: Clark, Duvall
Total: 2
Absent: 0

(h) Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-200905) for Lands Located at 625 Garner Road East (Ancaster) (PED10092) (Ward 12) (Item 6.2)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.
b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of condominium, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

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

Edward John was present to assist Committee.

James Webb, the applicant’s agent, confirmed his support of the staff recommendation.

No members of the public came forward to address Committee.

Chair Ferguson vacated the Chair to Councillor Bratina, to speakk to the item.

Councillor Ferguson asked for details of the parking and landscaping facing the arterial road.

Staff responded that the landscaping strip between the townhouse parking and the arterial road will be 2.6 metres wide and would be planted with trees and shrubs.

Councillor Ferguson requested that the staff response that the 2.6 metre landscape strip between the townhouse parking and the arterial road would include significant, intensie landscaping, to shield the parking, be recorded in the Minutes.

Committee approved the staff recommendation.

(i) Application for a Change in Zoning for the Lands Located at 116 Hess Street North (Hamilton) (PED10067) (Ward 2) (Item 6.3)

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

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

Committee received a letter from Hess Street School, indicating that they have no concerns with the application.

Daniel Barnett was present to assist Committee and explained the background to the application and details of the report, with the aid of a powerpoint presentation.

He noted that the use had continued for a few years, with no impact on the neighbourhood.

The applicant, Ian Murray, confirmed that he was in favour of the staff recommendation.

Gloria Noone, 120 Hess Street North, addressed Committee. Her points included, but were not limited to, the following:

- problems with parking near the site, particularly when people come to pick up the workers
- concern that taxes might increase if this application approved
- concern about dog on the premises, issue of children’s safety and proximity of Hess Street School, requested site be fenced to contain the dog.

Staff advised that the taxes should not go up, on adjacent properties, as a result of an approval on this site.

Committee discussed the fencing issue and the applicant advised that he was agreeable to erecting a fence at the rear of the property. Following further discussion, Committee agreed that the two parties should discuss the applicant’s offer to construct a fence and ensure that any fence was in compliance with the City by-laws, and that the zoning by-law would not be changed to include a fencing requirement.
Marie Valentine, 27 Mill Street, addressed Committee and noted the following concerns:

- very limited parking in the area, very little on Mill Street, concern that the business could make this worse
- dog on the property is very gentle, well-behaved.

Ms. Valentine agreed that she did not know if any parking on Mill Street is associated with the business.

On a Motion, Committee approved the staff recommendation.

(j) Application for Approval of a Draft Plan of Condominium Conversion (CDM-CONV-09-05) for Lands Located at 2520 Barton Street East and 45 Barlake Avenue, Hamilton (PED10085) (Ward 5) (Item 6.4)

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

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

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

Danielle Fama was present to assist Committee.

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

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

Committee approved the staff recommendation.
(k) Application for a Further Modification in Zoning for Lands Located at 2660-2668 Binbrook Road East and 2651 Regional Road 56 (Glanbrook) (PED10087) (Ward 11) (Item 6.5)

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

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

Jennifer Haan was present to assist Committee and explained the application and the staff recommendation for refusal with the aid of a powerpoint presentation. Her points included the following:

- application for rezoning is to permit a drive-thru for a restaurant. A restaurant is already permitted
- application for drive-thru not in accord with Binbrook Village Plan, design issues respecting vehicles/pedestrians, not appropriate for Downtown Binbrook, not a pedestrian oriented use, not in accord with adjacent municipal parkette
- more appropriate sites exist elsewhere, in General Commercial zones
- original commerical proposal approved approximately a year ago, a drive-thru for a restaurant specifically not permitted
- inadequate space on-site for drive-thru, potential conflicts between pedestrians and vehicles
- staff recommending against application

The applicant’s agent, Nick De Filippis, addressed Committee in support of the application. His points included but were not limited to the following:

- provided a handout with a coloured rendition of the proposed buildings, and a detailed site plan
- buildings and site well-designed, attracts and promotes pedestrian safety and walking
- sidewalks connect buildings, roads, design is open to municipal parkette
- in compliance with Official and Secondary Plans
- drive-thru hidden by a decorative half-wall
- an engineering company has reviewed plans, including drive-thru
- safe passage on site, people who park and walk are not pedestrians
- Urban Official Plan which bans drive-thrus in Downtowns is under appeal, current plan does not prohibit drive-thrus
- Does not agree with staff report
- Need an anchor tenant, site approved 18 months ago but not yet up and running, this proposed use is a catalyst, once Tim Horton’s is involved, interest in plaza
- Agreeable to a deferral, if this is needed.

Committee asked questions about the drive-thru and current restrictions, and the agent provided responses.

Mr. De Filippis agreed that Tim Horton’s would not become a tenant unless they could have a drive-thru.

John McGreal, 11-34 Southbrook, addressed Committee in support of the proposal. His points included:

- 9 year resident, no longer is Binbrook a small town, need amenities
- his complex has 174 units, retired people, likes to walk to get coffee, go to Library, post office and the park.

Frank Huskins, 2640 Binbrook Road, addressed Committee in opposition to the proposal. His points included:

- several concerns including noise, pollution, traffic
- where and what will fence be
- not in keeping with small town feeling, drive-thru not needed
- agreed that the approved bank drive-thru would be less of an issue.

Committee discussed the matter and had additional information provided by staff, including the following:

- no concerns about air pollution from idling cars
- no adverse impact from noise perspective.

No other members of the public came forward to address Committee.
Chair Ferguson advised that the Public Meeting was now concluded.

On a Motion (Mitchell/Pearson), the matter was tabled, to allow the Ward Councillor to host a Town Meeting at the arena, to share the new information received with the residents.

Paul Mallard confirmed that the addition of the drive-thru is the issue, and that staff still consider it is not appropriate.

(l) Location and Implementation of Urban Braille (PED10089) (City Wide) (Item 7.1)

Committee dispensed with the planner’s presentation.

David Falletta was present to assist Committee, and responded to questions raised.

Committee discussed the matter and whether the area around the Henderson and BIA’s should be included in the areas where Urban Braille is to be installed.

On a Motion (Duvall/McHattie), Committee approved an amendment to extend Urban Braille to BIA areas.

Committee approved the staff recommendation, as amended.

(m) Application for an Amendment to a Ministry of Environment Certificate of Approval (5328-4XUNBE) for Expansion to a Waste Disposal Site, Ministry of Environment Reference # 9666-7 YTLZR, 164 - 174 South Service Road, Stoney Creek (PED10088) (Ward 10) (Item 8.1)

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

Peter De Iulio was present to assist Committee.

The applicant’s agent advised that he supported the staff report.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.
Lot Grading and Drainage (PED10091) (City Wide) (Outstanding Business List Item) (Item 8.2)

Gavin Norman gave an overview of the staff report, with the aid of a powerpoint presentation, and provided a handout to Committee.

Michael Roche was not present to address Committee.

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

Committee received the staff report.

Motions (Item 9)

None

Notices of Motion (Item 10)

None

GENERAL INFORMATION (Item 11)

Potential programme for de-conversion of rental properties (Item 11.1)

Due date: April 20, 2010

Paul Mallard provided an update respecting the matter and proposed a new date of February 2011.

On a Motion, Committee approved the new date.

News from the General Manager (Item 11.1)

- Mr. McCabe distributed a revised copy of the Strategic Schedule
- Confirmed that Special Meeting for Industrial Zones is on April 27, 2010, 1:30 pm, at Sheraton Hotel
- Confirmed that Special Meeting for Brow property will be on June 10, 2010, 6:00 pm, at People’s Church, 510 Mohawk Road West
On a Motion, Committee moved into Closed Session to consider three items which are before the OMB and are subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals affecting the City, respecting:

(i) An appeal by Losani Homes regarding the Greenhill Glenn development application

(ii) Sulphur Springs Development Corp, Lime Kiln Road, residential development proposal for lands in Ancaster

(iii) Empire Nash subdivision and zoning appeals

On a Motion, Committee resumed in Open Session. The Chair advised that the Committee had met in Closed Session to consider the three matters as stated.

(i) Appeal by Losani Homes regarding the Greenhill Glenn development application (Added Item 12.1)

Committee approved a Motion respecting this matter (See Item 12)

(ii) Sulphur Springs Development Corp, Lime Kiln Road, residential development proposal for lands in Ancaster

Committee approved a Motion respecting this matter (Added Item 12.2) (See Item 13)

(iii) Empire Nash subdivision and zoning appeals (Added Item 12.3)

The Chair advised that Committee had received legal advice on this matter and that appropriate staff direction had been given. There was nothing further to report.
(s) ADJOURNMENT (Item 13)

On a Motion (Pearson/Mitchell) the meeting adjourned at 3:20 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
April 20, 2010