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

Staff Present: T. McCabe, General Manager – Planning and Economic Development  
M. Hazell, P. Mallard, J. Hickey-Evans, A. Fletcher, J. Strutt,  
B. Janssen - Planning and Economic Development  
A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 10-009 AND RESPECTFULLY RECOMMENDS:

1. City Initiative CI-09-H Respecting The City of Hamilton Comprehensive Zoning By-law: New Industrial Zones (PED09260(a)) (City Wide) (Item 3.1)

(a) That approval be given to City Initiative CI-09-H which amends the Official Plans for the former Regional Municipality of Hamilton-Wentworth, former Town of Ancaster, former Town of Dundas, former Town of Flamborough, former township of Glanbrook, former City of Hamilton and former City of Stoney Creek in order to amend Official Plan policies respecting industrial land uses, on the following basis:

(i) That Appendix “A” attached to Report PED09260(a) respecting amendments to existing Official Plan policies for industrial uses, and which has been prepared in a form satisfactory to the City Solicitor, be approved.
(b) That approval be given to **City Initiative CI-09-H** which amends the City of Hamilton’s new Comprehensive Zoning By-law 05-200 in order to bring forward new Industrial Zones which will regulate industrial uses, on the following basis:

(i) That Appendix “B” attached to Report PED09260(a) respecting new Industrial Zones for the City of Hamilton, and which has been prepared in a form satisfactory to the City Solicitor, be approved, subject to the following amendments, as approved by Committee on April 27, 2010:

(aa) That the following be recognised in the by-law as existing legal uses:

<table>
<thead>
<tr>
<th>Address</th>
<th>Change</th>
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<tbody>
<tr>
<td>680 Tradewind Drive</td>
<td>To add Indoor Children’s Play-gym as a permitted use on the property</td>
</tr>
<tr>
<td>665 Tradewind Drive</td>
<td>To add Indoor Children’s Play-gym as a permitted use on the property</td>
</tr>
<tr>
<td>1330 Sandhill Drive</td>
<td>To add Martial Arts Studio as a permitted use on the property</td>
</tr>
<tr>
<td>1378 Sandhill Drive</td>
<td>To add Dance Studio as a permitted use on the property</td>
</tr>
<tr>
<td>754 Shaver Road</td>
<td>To add Tennis School as a permitted use on the property</td>
</tr>
<tr>
<td>1370 Sandhill Drive</td>
<td>To add Music School as a permitted use on the property</td>
</tr>
<tr>
<td>12 Innovation Drive</td>
<td>To add Dance Studio as a permitted use on the property</td>
</tr>
<tr>
<td>1520 Stone Church Road East,</td>
<td>To amend Special Exception 396 in order to recognize recently approved Variances, relating to</td>
</tr>
<tr>
<td>230 and 270 Anchor Road</td>
<td>landscape area requirements and parking provisions.</td>
</tr>
<tr>
<td>91 Highway 5 West (Block 11)</td>
<td>To rezone northern portion of the property from General Business Park (M2) Zone to Prestige</td>
</tr>
<tr>
<td></td>
<td>Business Park (M3) Zone and add a Special Exception to permit additional uses once permitted</td>
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<td>through the M2 Zone (Landscape Contracting Establishment, Waste Processing Facility and Waste</td>
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<td>Transfer Facility) and amend specific regulations respecting setbacks and outdoor storage and</td>
</tr>
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<td></td>
<td>assembly regulations.</td>
</tr>
<tr>
<td>565 Seaman Street</td>
<td>To amend Special Exception 410 to reflect recently approved variances relating to parking.</td>
</tr>
<tr>
<td>Property</td>
<td>Action</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>1442 Osprey Drive</td>
<td>To add Dance Studio as a permitted use on the property</td>
</tr>
<tr>
<td>(bb) Elimination of zoning to permit waste management facilities from the Clappison’s Corners Industrial Business Park</td>
<td>That staff be directed to amend the proposed industrial zoning to remove waste management facilities from the Clappison’s Corners Industrial Business Park, with the exception of the Coreslab property, 91 Highway 5 West</td>
</tr>
<tr>
<td>(cc) 440 Victoria Avenue North</td>
<td>That the lands municipally addressed as 440 Victoria Avenue North be removed from this stage of the Comprehensive Employment Zones Zoning By-law, and That staff be directed to explore whether an adaptive reuse of existing buildings could allow for a more flexible range of permitted uses, and That any proponent be given a maximum of 12 months to show substantive progress in the development project.</td>
</tr>
<tr>
<td>(dd) 1330 Sandhill Drive</td>
<td>That staff be directed to amend the implementing Official Plan Amendment and Zoning By-law Amendment to permit Gymnastics Studio and Indoor Children’s Play-gym at 1330 Sandhill Drive, Ancaster Industrial Business Park.</td>
</tr>
<tr>
<td>(ee) Bunge Canada, 400 and 446, 424 and 442, Burlington Street East</td>
<td>That M6-heavy industrial zoning, be placed on the Bunge site at 400 and 446, 424 and 442, Burlington Street East, and that the Special Exception 413 be deleted from the zoning</td>
</tr>
<tr>
<td>(ff) 610 Nebo Road</td>
<td>That a trade school at 610 Nebo Road be permitted and that Section 9.3.3 g) be deemed not to apply to this property</td>
</tr>
</tbody>
</table>

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(gg) Special Exception 369

That the word “existing” be removed from Special Exception 369

(c) That staff be directed to amend the Site Plan Guidelines in order to implement the intent of the Employment Area policies of the new Urban Hamilton Official Plan and the new Industrial Zones, once approved.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- additional communications respecting the industrial zoning, which have been distributed to Committee this afternoon, in one package, to be considered under 3.1

Committee approved the Agenda, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) City Initiative CI-09-H Respecting The City of Hamilton Comprehensive Zoning By-law: New Industrial Zones (PED09260(a)) (City Wide) (Item 3.1)

The Chair advised that this is a Special Public Meeting to consider the proposed new Industrial Zoning for the City. The format of the meeting will be to hear a presentation from staff, and then to hear from the public.

On a Motion, the Committee received added communications;

The following, as printed in the Agenda:

(a) Paletta International, respecting 212 Glover Road
(b) Tina Rath, Pure Rhythm Dance Company, respecting Sandhill Drive, Ancaster

(c) Bob Graham, respecting 440 Victoria Street North

The following, as distributed at the meeting:

(D) Allan Heisey, Papazian, Heisey, Meyers
Re: Canadian National Railway

(E) Chris Millar, Upper Canada Consultants
Re: south-west corner of South Service Road/Fruitland Road

(F) Elaine Vyn, Demik Construction
Re: Trinity Church Road and Portside Road

(G) Robert Tarrant
Re: Gary Maue, Golf Course, Wilson Street West, Ancaster

(H) Mary-Ann Keefner, Miller, Canfield
Re: Brant Hills Recycling Properties, Brant Street

(I) Ed Fothergill
Re: Shawcor Ltd., 385 Nebo Road and 1280 Rymal Road

(J) Hamilton Chamber of Commerce

(K) Ramsay Planning
Re: Arun Anand, 650 South Service Road, Stoney Creek

(L) Ed Fothergill
Re: Flamborough Power Centre, north of Borer’s Creek, south of Parkside Drive, Waterdown

(M) John Ariens, IBI Group, respecting places of worship and recreational facilities

(N) Holcim Canada, respecting 886 Nebo and 1680 Upper Ottawa

(O) Cassels Brock, respecting Tim Horton’s, TDL Group

Tim McCabe advised that he had just received an extra letter from US Steel, respecting their property at 386 Wilcox Street. He noted that staff would meet with the company and their representatives, and this could bring about recommended changes to the by-law.
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.

Jocelyn Strutt addressed Committee and gave an overview of the report, with the aid of a power point presentation. Highlights of the report included:

- study started 2006
- significant public process carried out as part of study
- letters sent to all industrial property owners in the City of Hamilton
- open houses, stakeholder meetings held
- policies presented to Committee in November 2008, based on input received
- draft zoning to Committee October 2009
- following completion of draft zoning, mail out of information to all 4,500 affected properties in City
- then Statutory Open House meetings with stakeholders, and individual meetings held
- intent of zoning is to establish broad categories of industrial zoning, with a limited range of commercial and recreational uses
- the “added list” circulated today intended to “catch” properties which had been the subject of various approvals between the completion of the study and this Public Meeting.

Tim McCabe noted that to receive a handful of letters requesting changes after circulation of 4,500 letters, was a positive sign. He added that Committee can propose any changes, and staff will advise of any problems.

Al Fletcher added that all the letters were from people with whom staff had already been in contact. He noted that the by-law is a living document, minor changes can be made. Mr. Fletcher considered that there is nothing contained in the letters which will need a report back to Committee.
Mr. McCabe explained how the industrial zoning is being changed now, ahead of the Ministerial approval of the new Urban Official Plan. He noted that minor changes are being made to the “older” Official Plans, through amendments, and thus there will be conformity with the plans currently in existence. When the new Urban Official Plan is approved, the “older” Official Plans will be repealed and the zoning will be in conformity with the new Plan.

Committee asked various questions and the following additional information was supplied by staff:

- existing places of worship are recognized, some are allowed to expand as of right, some will need variance to expand
- notices respecting the zoning changes were sent to owners, not tenants, so it is possible some tenants may not be aware.
- Legal uses will be recognized, illegal uses cannot be made legal as part of by-law change, where legal non-conforming uses exist, they can continue
- Where legal uses are brought to attention of staff, eg. Carmen’s Hotel, the appropriate changes will be made either prior to Council or later as a City-initiated housekeeping amendment.

Mr. McCabe noted that changes could be proposed by staff, between this Public Meeting and the Council approval of the by-law. This is permitted under the Planning Act, subject to compliance with section 34(17) of the Planning Act.

The Chair asked the following Speakers who had registered with Clerks to come to the podium in order, and to sign their name, address and their phone number, in the book provided.

Wayne Clayton, 332 McNeilly Road, addressed Committee. His points included, but were not limited to, the following:

- serious concerns about changing residential to industrial zoning, area of McNeilly, north of Barton Street
- familiar with Stoney Creek by-law
- concern that this zoning will eliminate site-specific by-laws already in place, how can this happen?
- concern that there will be no by-law enforcement in these areas
- concern that Councillors had not visited these areas
- councillors/staff have not answered questions of residents
- Stoney Creek News not delivered north of Barton, so residents did not hear of meeting and changes
- City should require every industry to provide landscaping
- OMB Order being ignored
- City taking advantage of poor, uneducated
- concern about infrastructure in these areas

Councillor Mitchell noted he and staff had met with Mr. Clayton.
Mr. Fletcher explained:

- all site specifics and H-Holding zones examined in study
- discussions held with Development Engineering before changes proposed
- 8 houses on east side of McNeilly, north of Barton all designated in Stoney Creek Plan as Business Park, these 8 are not in this discussion, new Official Plan maintains the designation
- “business support zoning” offered to residents, but not accepted
- Public Information Centres were advertised by sending notice to 4,500 property owners, plus advertisement placed twice in Hamilton Spectator and Stoney Creek News
- Public Meeting advertised in Hamilton Spectator and all the weekly papers, as per Planning Act regulations. Where an Ad is published, Act says no need for individual letters
- When staff made aware of problem of non-delivery of Stoney Creek News, ad was republished, and letters sent to the owners on McNeilly Road

Bob Graham addressed Committee respecting 440 Victoria Street North. His points included, but were not limited to, the following;

- proposing to convert old Otis/Studebaker building into large recreation/sports facility
- proposal is to make a world class facility, will be major economic development for City
- need extra time to allow business to be finalized, and to start operation, currently permitted by existing by-law, so requesting a continuance of the zoning
- aware of nature and scope of environmental issues associated with the property, need time to address these

Arun Anand and Allan Ramsay, addressed Committee respecting 650 Fruitland Road. Their points included, but were not limited to, the following;

- need for banks and personal services within industrial zones
- staff has agreed that property can have banking, restaurant as part of a building, their request is for these uses in a free standing building, potentially 9,000 square feet, their potential clients do not wish to have other uses in the same building, due to security reasons
- commercial banking centre proposed
- major restaurant, for example, a Kelsey’s or Boston Pizza, not a fast food, would serve workers within the industrial area
Don Marinacci, Head Coach, Hamilton Gymnastics Academy, 1330 Sandhill Drive, addressed Committee. His points included, but were not limited to, the following:

- wishes to continue his use, have facility to expand, also to be able to move within the Ancaster Business Park, if necessary
- presented a petition signed by 880 people, in support of continuance of gym facilities
- use needs height and size of the units found only in industrial areas, removal of this type of use will affect people across Province
- four gymnastics clubs in Hamilton, serving 3,000 gymnasts, sport is positive force in community, unites people, as shown by recent Winter Olympics
- if changes go through, will target women, unfairly
- want to stay in Ancaster,

Al Fletcher continued that the subject use, and all existing gym facilities are allowed in industrial areas, existing legal uses are recognized, but Provincial regulations do not allow the establishment of new uses.

Denise and Jerry Ottean, 42 Trinity Church Road, Hamilton, ON L8W 3S2, were not present to address Committee.

Robert Tarrant, on behalf of Gary Maue, addressed Committee respecting the lands adjacent to the golf course, Wilson Street West, Ancaster. His points included, but were not limited to, the following:

- wishes to be included as a permitted use in new zoning, wishes to be zoned M3
- presented a detailed package to Committee, including details of his site and proposal

David Tang, Gowlings, addressed Committee on behalf of Bunge Canada, Victoria Avenue North/400 Burlington Street East. His points included, but were not limited to, the following:

- his client is major industry, producer of edible oil products
- chose location here, as site capable of expansion
- requesting M5 zoning rather than M6
- need facility to physically expand, to do re-organization within existing site, potentially expand range of uses in order to keep up with market trends
- do not wish to see light industrial uses nearby, as these may have issues with activity at Bunge
- prefer same heavy industrial zoning on both sides of Burlington Street, for consistency of allowed uses, do not wish to have any constraints on their operation, either now or in future
- do not wish to see any incompatible uses move into neighbourhood which could adversely affect our business, request M5 zoning, same as CNR lands.

Al Fletcher explained that introduction of lighter industrial zones due to fact that these areas are within 300 metres of sensitive, residential uses.

Councillor Bratina noted that while residential uses do exist, there is need to protect heavy industrial, new plants such as Bunge need potential for expansion.

James Webb, addressed Committee respecting Coreslab, 91 Highway 5 West, Waterdown. His points included, but were not limited to, the following;
- in support of the staff proposed change for Coreslab, included in the staff amendments, as distributed and discussed at start of the meeting
- happy to provide additional information, if needed.

Christine Soleas addressed Committee respecting 16 Highway 5 West, Waterdown. Her points included but were not limited to the following;
- representing her family, who wish an exception to zoning to allow restaurant on their land
- purchased land 25 years ago for a restaurant, always intended for this use
- other restaurants are allowed near their site

Jocelyn Strutt advised that staff has reviewed the request but consider that the uses permitted in the Flamborough Power Centre adequately address the need for restaurants in the area.

Nick De Filippis addressed Committee. His points included, but were not limited to, the following:
- by-law should not separate commercial and industrial uses
- need to locate and retain uses such as recreational/commercial which currently exist
- should allow some stand alone uses such as banks, restaurants, in industrial areas
- should take advantage of our international corridor, the QEW, for frontage and visibility of businesses.

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Vince Ferraiuolo, 32 Parkside Drive, Waterdown, addressed Committee. His points included, but were not limited to, the following:

- his zoning is M3 – Prestige Industrial but wants to ensure that Business, Professional and Medical Offices, and Personal Services, be allowed
- he has planned for these uses, is requesting exceptions to proposed zoning.

Al Fletcher explained that Business Offices are still allowed, a clinic is permitted in existing zoning, but personal services are not permitted. Personal Services are allowed in areas of Business Park further south, medical offices are not included in zoning for this site.

Liz Miller, 5 Crocus Court, Stoney Creek, addressed Committee. Her comments included, but were not limited to, the following:

- operate two businesses on Glover Road, have long term leases on premises
- does not see where her business fits into new zoning, 1 company is contract construction and outside storage, 1 company is Redi-Mix supply of concrete
- wants to ensure both businesses are allowed to continue.

Al Fletcher said Redi-Mix business was OK, and suggested that he would meet with Ms. Millar to discuss the issues further, with a view to recognizing both.

Cheryl McMullan, 204 Valleyview Drive, Ancaster, addressed Committee. Her points included, but were not limited to, the following:

- has two businesses, one is a skating school, one new one is going through zoning verification process now
- need 15-20,000 square feet, high ceiling for new hockey ice surface, needs to be in industrial area, cannot afford to locate in a commercial area
- need a small retail business as well
- currently negotiating for a new location
- this new zoning really limits new businesses coming into the park
- concerned about lack of notice.

Councillor Ferguson asked about the use of 680 Tradewind Drive for ice skating.

Al Fletcher explained that this would face same issues as previously explained, and staff cannot support new uses.
Tim McCabe cautioned Committee about including non-employment uses in employment areas, since this will lead to problems with Places to Grow.

Joanne Hickey-Evans provided a definition of employment lands.

The Chair asked if there were any further speakers. As there were none, the Chair declared that the Public Meeting was now concluded.

On a Motion (Duvall/Whitehead), Committee received all the presentations.

On a Motion (Clark/Duvall), the staff recommendation was placed on the floor.

Committee determined that they would now consider amendments to the staff recommendation, based on material presented during the Public Meeting.

**1442 Osprey Drive**

Chair Ferguson vacated the Chair to Councillor Bratina to address the use of as a dance studio/cheerleading academy. On a Motion (Ferguson/Mitchell), Committee added this use at 1442 Osprey drive, to the list of amendments which staff had distributed and discussed earlier in the meeting.

Chair Ferguson resumed the Chair.

**440 Victoria Avenue North**

Whereas a significant recreational facility may be located in the Burlington/Victoria Industrial Area;

And Whereas proposed zoning changes may impact on the ability to locate a recreational use on the lands.

Now therefore be it resolved:

That the lands municipally addressed as 440 Victoria Avenue North be removed from this stage of the Comprehensive Employment Zones Zoning By-law, and

That staff be directed to explore whether an adaptive reuse of existing buildings could allow for a more flexible range of permitted uses, and

That any proponent be given a maximum of 12 months to show substantive progress in the development project.
Councillor Bratina, seconded by Councillor Duvall moved an amendment to permit the use of 440 Victoria Avenue North for commercial recreational uses, with specific time limitations.

**650 Fruitland Road at South Service Road**

Councillor Mitchell, seconded by Councillor Pearson referred the item raised by Allan Ramsay and Arun Anand back to staff, for further review of the possibility of an exception to allow a free standing banking/restaurant building, subject to size and phasing requirements.

Councillor McHattie requested his opposition be noted.

**1330 Sandhill Drive, Ancaster Industrial Park**

Councillor Ferguson vacated the Chair to Councillor Bratina.

On a Motion (Ferguson/Whitehead), Committee approved an amendment to permit Gymnastics Studio and Indoor Children’s Play-gym at 1330 Sandhill Drive, Ancaster Industrial Business Park.

Chair Ferguson resumed the Chair.

**Bunge Canada, 400 and 446, 424 and 442, Burlington Street East**

On a Motion (Bratina/Duvall), Committee approved M6-heavy industrial zoning, on the Bunge site at 400 and 446, 424 and 442, Burlington Street East, and deleted Special Exception 413 from the zoning.

**Businesses operated by Liz Millar at Glover Road**

On a Motion (Mitchell/Pearson), the uses operated by Liz Millar were referred back to staff for further consideration.

**Elimination of zoning to permit waste management facilities from the Clappison’s Corners Industrial Business Park**

On a Motion (Whitehead/Duvall), waste disposal facilities were removed from the uses permitted in the by-law, in the Clappison’s Corners Industrial Business Park, with the exception of the Coreslab site, 91 Highway 5 West.
610 Nebo Road

On a Motion (Mitchell/Bratina), a trade school 610 Nebo Road was approved, and Section 9.3.3 g) was deemed not to apply to this property.

Special Exception 369

On a Motion (Clark/Pearson), the word “existing” was removed from Special Exception 369.

Changes proposed by staff, as distributed at the meeting

On a Motion, the additional changes proposed by staff, and as further amended at the meeting on April 27, 2010 were approved.

Committee then approved the Motion, as amended.

(i) Motions (Item 4)

None

(j) Notices of Motion (Item 5)

None

(k) GENERAL INFORMATION (Item 6)

An added letter respecting a proposed development at Fruitland Road, received by Committee earlier in the meeting from Upper Canada Consultants, was discussed. Councillor Pearson said she had no knowledge of the site. Mr. Fletcher said the applicant is requesting M4 zoning, but application not yet complete.

Councillor Mitchell mentioned a letter respecting Nebo Road, Glanbrook Industrial Park.

(I) PRIVATE AND CONFIDENTIAL (Item 7)

None
(m) ADJOURNMENT (Item 8)

On a Motion (Pearson/Mitchell), the meeting adjourned at 5:05 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
April 27, 2010