THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-016 AND RESPECTFULLY RECOMMENDS:

1. McMaster Confucius Institute (PED08199) (City Wide) (Item 5.1)

That Report PED08199, McMaster Confucius Institute, be received for information.

2. Town of Milton Correspondence Regarding Proposed Quarry in Former Flamborough, 11th Concession Road East (PED08203) (Ward 15) (Item 5.2)

That Report PED08203, Town of Milton Correspondence Regarding Proposed Quarry in Former Flamborough, 11th Concession Road East, be received for information.
3. **Demolition Permit – 64 Watson’s Lane (Dundas) (PED08204) (Ward 13) (Item 5.3)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 64 Watson’s Lane in accordance with By-Law 3169-80 pursuant to the demolition control provisions of Section 33 of *The Planning Act*, as amended, subject to the following conditions:

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

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

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000; and, the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (d)) in a form satisfactory to the acting Director of Building and Licensing and to the Director of Legal Services and Corporate Counsel; and,

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

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

4. **Demolition Permit – 231 Wellington Street North (PED08200) (Ward 2) (Item 5.4)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 231 Wellington Street North in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of *The Planning Act*, as amended, subject to the following conditions:
(a) That the applicant has applied for and received a building permit for a replacement building on this property; and,

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

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000; and, the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (d)) in a form satisfactory to the acting Director of Building and Licensing and to the Director of Legal Services and Corporate Counsel; and,

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

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

5. Demolition Permit – 1097 Beach Boulevard (PED08202) (Ward 5) (Item 5.5)

That the Director of Building Services be authorized and directed to issue a demolition permit for 1097 Beach Boulevard in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

6. Demolition Permit – 1081 Beach Boulevard (PED08201) (Ward 5) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 1081 Beach Boulevard in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

7. Committee of Adjustment Severance Application DN/B-08:28 and Minor Variance Application DN/A-08:157 for the Property Known as 150 York Road, Dundas - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED08191) (Ward13) (Item 5.7)
That Report PED08191, respecting Committee of Adjustment Severance Application DN/B-08:28 and Minor Variance Application DN/A-08:157, for the property known as 150 York Road, Dundas, as shown on Appendix “A” to Report PED08191, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.

8. **Barton Village Business Improvement Area (B.I.A.) Revised Board of Management (PED07029(a)) (Ward 2 & 3) (Item 5.8)**

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

Ella Folley

9. **Edward Graydon respecting signage at 14 James Street North (delegation approved by Committee on August 5, 2008) (Item 6.1)**

That the presentation by Edward Graydon respecting signage at 14 James Street North be received.

10. **Application for a Zoning By-law Amendment for the Lands Located at 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East (Glanbrook) (PED08198) (Ward 11) (Item 6.2)**

That approval be given to amended Zoning By-law Application ZAC-07-096, by Ross Martin, owner, for changes in zoning from the Existing Residential “ER” Zone (Blocks “1” and “3”) and the Existing Residential “ER-060” Zone (Block “2”) to the General Commercial “C3-243” Zone, to permit commercial development on the lands known municipally as 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East, as shown on Appendix “A” to Report PED08198, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08198, which has been prepared in a form satisfactory to the City Solicitor and as amended by Committee on September 2, 2008, respecting the landscape strip, be enacted by City Council.

(b) That the amending By-law be added to Schedule “H”, of Zoning By-law No. 464.

(c) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan.
11. Application to Amend Hamilton Zoning By-law No. 6593, for Lands Located at 386 Upper Gage Avenue and 63 East 39th Street (Hamilton) (PED08195) (Ward 6) (Item 6.3)

(a) That approval be given to Zoning Application ZAC-07-079, by Pioneer Petroleum Ltd., c/o Bob Reid, for changes in zoning from the “C” (Urban Protected Residential, Etc.) District to the “H/S-1588” (Community Shopping and Commercial, Etc.) District, Modified (Block 1), from the “H/S-234” and “H/S-534” (Community Shopping and Commercial, Etc.) District, Modified, to the “H/S-1588” (Community Shopping and Commercial, Etc.) District, Modified (Block 2), from the “H/S-234” (Community Shopping and Commercial, Etc.) District, Modified, to the “H/S-1588” (Community Shopping and Commercial, Etc.) District, Modified (Block 3), and from the “G-3/S-234” (Public Parking Lots) District, Modified, to “H/S-1588” (Community Shopping and Commercial, Etc.) District, Modified (Block 4), to permit the redevelopment of the existing automobile service station and automated car wash on the lands located at 386 Upper Gage Avenue and 63 East 39th Street (Hamilton), as shown on Appendix “A” to Report PED08195, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED08195, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on September 2, 2008, respecting the landscape strip, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A” of Zoning By-law No. 6593.

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

12. Application for Approval of a Draft Plan of Subdivision, “Carlson Street Extension”, and to Amend Stoney Creek Zoning By-law No. 3692-92, for Lands Known Legally as Part of Lot 28, Concession 7 (Saltfleet) (Stoney Creek) (PED08197) (Ward 9) (Item 6.4)

(a) That approval be given to Draft Plan of Subdivision Application 25T-200714, by Losani Homes Ltd., owners, to establish a draft plan of subdivision known as “Carlson Street Extension”, known legally as Part of Lot 28, Concession 7 (Saltfleet), in the former City of Stoney Creek, as shown on Appendix “A” to Report PED08197, subject to the following conditions:
(i) That this approval apply to “Carlson Street Extension” 25T-200714, as redlined, prepared by A.J. Clarke and Associates Ltd., and certified by Barry J. Clarke, OLS, dated November 6, 2007, showing twenty-seven lots for single detached dwellings (Lots 2 to 28), two Blocks for future single detached dwellings (Blocks 31 and 35), two lots for semi-detached dwellings (Blocks 1 and 29), eastern and western extensions of Carlson Street, two temporary cul-de-sacs (Blocks 33 and 37), five 0.30 metre reserves (Blocks 32, 34, 36, 38, and 39), and two road widenings along Highland Road West (Blocks 30 and 40), attached as Appendix “B” to Report PED08197, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED08197;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan. The calculation of each Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit.

All in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Zoning Application ZAC-07-085, by Losani Homes Ltd., owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-22” Zone (Blocks 1 and 2), from the Residential “R6” Zone to the Single Residential “R4-22” Zone (Blocks 3 and 4), and from the Residential “R6” Zone to the Residential “R6-4” Zone (Blocks 5 and 6), as shown on Appendix “A” to Report PED08197, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED08197, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and the Official Plan for the City of Stoney Creek.
13. Applications for Approval of an Official Plan Amendment and Change in Zoning for Lands Located at 1031 Highway 52 North, Copetown (Ancaster) (PED08193) (Ward 14) (Item 6.5)

That appropriate staff be directed to work with the applicant to prepare a draft model liability agreement respecting the servicing issues and report back to Committee as soon as possible.

14. Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2620 Binbrook Road East (Glanbrook) (PED08192) (Ward 11) (Item 6.6)

That approval be given to amended Zoning Application ZAC-07-110, by Rob-Geoff Properties, Owner, for a change in zoning from the Existing Residential “ER” Zone to a modified General Commercial “C3-242” Zone in order to permit a mixed use development with commercial uses on the ground floor and residential units above, for the lands located at 2620 Binbrook Road East (Glanbrook), as shown on Appendix “A” to Report PED08192, on the following basis:

(a) That the subject lands be rezoned from the Existing Residential “ER” Zone to the General Commercial “C3-242” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED08192, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the amending By-law be added to Schedule “H”, Binbrook Settlement Area, of Zoning By-law No. 464.

(d) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

(e) That staff be directed to ensure that during the site plan control process that the design is in keeping with the character of the area.

15. Application to Amend Stoney Creek Zoning By-law No. 3692-92 for the Lands Located at 4 Second Street North (Stoney Creek) (PED08196) (Ward 9) (Item 6.7)

That approval be given to Amended Zoning Application ZAC-07-097, by Nick DeFilippis Owner, for a change in Zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential (Holding) “RM2-15(H)” Zone, to permit the future development of four townhouse dwellings for the lands located at 4 Second...
Street North, (Stoney Creek), as shown on Appendix “A” to Report PED08196, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act to the subject lands, by introducing the ‘H’ Holding symbol as a suffix to the proposed zoning District. The Holding provision will prohibit the development of the subject lands until such time as all of the following has been completed:

(i) That the owner/applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton, and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, Director of Planning, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee.

(ii) (1) That the owner/applicant submits and receives approval of a servicing study, to the satisfaction of the Director of Development Engineering; and,

(2) That the Owner/applicant enters into and registers an applicable development agreement(s) and posting of appropriate securities to ensure the implementation of the study's recommendation(s), to the satisfaction of the Director of Development Engineering.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

16. Hamilton LEEDING the Way Community Improvement Plan (PED08169) (City Wide) (Item 6.8)

(a) That the Community Improvement Plan titled “Hamilton LEEDING the Way Community Improvement Plan” attached as Appendix ‘A’ to Report PED08169, be approved.

(b) That the By-law adopting the Hamilton LEEDING the Way Community Improvement Plan attached to Report PED08169 as Appendix ‘B’, be approved.
(c) That the By-law designating the Community Improvement Project Area for the Industrial Business Parks and Industrial Areas, attached to Report PED08169 as Appendix ‘C’, be approved.

(d) That the LEED Grant Program as described in Appendix ‘A’ to Report PED08169, be approved.

(e) That staff of the Economic Development and Real Estate Division be authorized and directed to amend the ERASE Community Improvement Plan in accordance with the provisions of the Planning Act, to include LEED certification as per the LEED Grant Program to be added as an eligible cost under the ERASE Redevelopment Grant Program.

17. Marino Rakovac property at Bay Street North (Item referred by Committee from the August 5, 2008 meeting for further discussion.) (No copy) (Item 8.1)

That Council support Marino Rakovac’s request to the Ontario Municipal Board to obtain party status at the Setting Sail Hearing, with respect to his zoning application on Bay Street North, Hamilton.

18. City-Wide Demolition Control (City Wide) (PED08188) (Item 8.2)

(a) That approval be given to City Initiative CI-08-H to create a Demolition Control Area, for residential properties, within the boundary limits of the City of Hamilton.

(b) That the By-law attached as Appendix A to Report PED08188, as Appendix “A”, being a By-law to create a City-Wide Demolition Control Area, be enacted.

(c) That Council rescind the Council resolution dated July 26, 1994 that stated “appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied to all buildings with a residential component in the Central Area bounded by Victoria Avenue, the Escarpment, Queen Street and the Harbour.”

19. Request for a Strategy to keep McMaster University, Mohawk College, and Redeemer University students in Hamilton, post graduation (Item 9.1)

City Council requests the City of Hamilton Economic Development Advisory Committee to advise Council on a strategy to keep McMaster University, Mohawk
College, and Redeemer University students in Hamilton, post graduation, said strategy to include, including but not be limited to:

(a) working on Hamilton’s image in the minds of these young people including actionable strategies on improving campus-town relations, and;

(b) recommending specific programs that would directly assist graduates in creating businesses and obtaining jobs in Hamilton.

20. Building and Licensing Division Operational Review Sub-Committee Report 08-002 respecting Animal Control Services (original staff report attached for information purposes) (Item 7.1)

That the staff presentation and report on this item be considered by Committee of the Whole.

FOR THE INFORMATION OF COUNCIL:

First Vice-Chair Maria Pearson commenced the meeting and advised that Chair Whitehead was on his way. She introduced two new Planning staff members, Timothy Lee and Delia McPhail, and welcomed former Mayor Bob Wade.

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

Legal staff will be here at noon to assist Committee with respect to Item 8.1 concerning Marino Rakovac regarding his property at Bay Street North. This Item was referred by Committee from the August 5, 2008 meeting for further discussion with Legal staff.

The Agenda for the September 2, 2008, meeting of the Economic Development & Planning Committee was approved, 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 held on August 5, 2008 were approved.

(d) Keith M. Beck, respecting proposal that the City create a subsidiary corporation to hold and transact, in its name, City owned employment lands (Item 4.1)

Committee approved the delegation request to address them at a future meeting.

(e) Ann Robertson, 39 Autumn Leaf Road, respecting the proposed re-zoning at Autumn Leaf Road, Dundas (Item 4.2)

Committee approved the delegation request to address them at a future meeting.

(f) McMaster Confucius Institute (PED08199) (City Wide) (Item 5.1)

Councillor Bratina indicated that this is a very important and valuable project, and provided some background information regarding the program. He asked Tim McCabe to provide a brief overview.

Tim McCabe indicated that this is an excellent example of McMaster University’s expansion. McMaster is an ideal location and has set up successful similar programs. Staff is in support of this initiative, and a letter of support from the Mayor has already been sent to McMaster.

Councillor McHattie indicated that a program in Mandarin language studies has also been established at Prince Philip School, in Westdale.

The Committee approved the staff recommendation.

(g) Edward Graydon respecting signage at 14 James Street North (delegation approved by Committee on August 5, 2008) (Item 6.1)

Mr. Graydon addressed Committee and referred to the photographs he had provided. He noted the Tip Top Taylors sign and indicated that his request to erect a sign was denied because there is no structure in place. He said that a sign would be allowed if the paint structure (of Tip Top Taylors) could be considered as the existing structure. He noted that third party advertising is not allowed in the downtown core and he would need a variance for his proposed sign. He believes that Tip Top Taylors is a third party, and is requesting that the
Councillors provide their support as he will be going before the Committee of Adjustment. He does not agree with staff's position on his proposal.

Paul Mallard explained that Mr. Graydon’s request is for a billboard sign, which does not comply with the Sign By-law. He indicated that approval for sign variance applications go through his office, not before the Committee of Adjustment. If Mr. Graydon's application is refused, he has the right to appeal to the Economic Development and Planning Committee.

Councillor Pearson indicated that she cannot support making a decision that is contrary to the Sign By-law.

On a Motion (McHattie/Pearson) Committee received the delegation.

(h) Application for a Zoning By-law Amendment for the Lands Located at 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East (Glanbrook) (PED08198) (Ward 11) (Item 6.2)

Chair Whitehead 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.

Jennifer D’Andrade outlined the report to Committee with the aid of a PowerPoint presentation. She explained the proposed removal of the existing buildings and the new development which is being proposed.

She advised that one written response was received and the comments expressed concerns that the removal of the existing buildings would diminish the existing streetscape value of the community core.

Jennifer D’Andrade advised that access to the property and lighting would be addressed under site plan control. She explained that the proposal is consistent
with the Provincial Policy Statement and the City’s "Urban Area" policies and the “Binbrook Community Core” Designation.

Councillor Mitchell asked whether the over-all development will be consistent with the proposed village square.

The applicant’s agent, Nick De Filippis, advised that he supported the staff recommendation. He provided a drawing of the proposed development and advised that his firm is following the regulations of the City’s policies. He hopes to meet the needs of the area, the public and the community. The height limit meets the by-law requirements, and the clock tower will be several metres higher however, it sets the centre core feature. He hopes that this is clear and approval will include this variance. The landscape strip will protect the residential use. He hopes that the strip will not be increased as it will take away from the viability of the building. A 3 metre strip will increase the size unnecessarily. It’s a very expensive building and his client hopes to keep the design as is and keep it viable and profitable.

Staff confirmed that the height of the building and the clock tower will not require any further adjustment to the proposed by-law. However, staff support a 3 metre strip as per the by-law but once the zoning has been changed to commercial in the new Comprehensive Zoning By-law, then the 3 metre strip will not be required. The agent indicated that his client would like to proceed prior to the approval of the new Comprehensive Zoning By-law. The property will be pedestrian friendly and the parkette that leads to this property will also provide additional access. The only hindrance is the 3 metre strip requirement.

(i) Ron Davidson, 2646 Binbrook Road East

Mr. Davidson addressed Committee and advised that downtown Binbrook has always been a rural setting. He advised that he lives next to the property and would prefer a 4.5 metres buffer as most of the area remains residential. His house is currently for sale because of the proposed development. Staff explained that the current zoning is residential however, the long term intent is that these properties be rezoned commercial, in accordance with the Official Plan.

Committee discussed the proposed amendment to the buffer and had additional information supplied by staff. It was explained that the speaker’s property is not immediately adjacent to the proposed development, but one lot removed.

On a Motion (Mitchell/Pearson) the required landscape buffer was reduced to 1.5 metres and then the main Motion was approved (Pearson/Mitchell) as amended.
Chair Whitehead 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 Amendment 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 (Pearson/Mitchell), Committee agreed to forgo the planner's presentation.

The planner, Joe Muto, outlined a minor change to the By-law, respecting a landscape strip.

The applicant's agent, James Webb advised that he supported the staff recommendation, as amended.

(i) Robert Flis, 68 East 39th Street

Mr. Flis hopes that an acoustical barrier will be erected as there was one around the previous service station business and he also hopes there will be no access to East 39th Street.

Joe Muto confirmed there will be no access to East 39th Street and at the site plan control stage the applicant will be required to provide enhanced landscaping but no fence. The new modern car wash facility does not require an acoustical barrier. Staff indicated that they were not advised of these concerns prior to today and that the Ward Councillor is in support of this application.

Committee discussed the matter and staff suggested that at the site plan control stage a low visual barrier could be considered, along the west boundary, to address the speaker's concerns.
On a Motion (Pearson/Pasuta) the Committee approved the small modification to the landscape strip and on a Motion (Pearson/Pasuta) the staff recommendation was approved as amended.

Staff was directed to meet with the applicant, the Ward Councillor, and Mr. Flis, during site plan approval stage, to address the landscaping/fencing issues along the west boundary of the site.

(j) Application for Approval of a Draft Plan of Subdivision, “Carlson Street Extension”, and to Amend Stoney Creek Zoning By-law No. 3692-92, for Lands Known Legally as Part of Lot 28, Concession 7 (Saltfleet) (Stoney Creek) (PED08197) (Ward 9) (Item 6.4)

Chair Whitehead 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 subdivision and 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 approval authority gives or refuses to give approval to the draft plan of subdivision and 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 (Pearson/Pasuta), Committee agreed to forgo the planner’s presentation. Councillor Pearson advised that the Ward Councillor, Brad Clark who was unable to attend today, is in support of this application.

Danielle Fama was present to assist Committee with the report

The applicant’s agent, Steve Fraser advised that he supported the staff recommendation.

No members of the public came forward to address Committee.

On a Motion (Pearson/Pasuta) Committee approved the staff recommendation.
Applications for Approval of an Official Plan Amendment and Change in Zoning for Lands Located at 1031 Highway 52 North, Copetown (Ancaster) (PED08193) (Ward 14) (Item 6.5)

Chair Whitehead 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 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 approval authority gives or refuses to give approval to the Official Plan Amendment and 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.

The Chair advised that the Ward Councillor Lloyd Ferguson is unable to attend today, and has requested that the decision for this item be deferred. However, the Clerk advised that the public meeting should proceed.

Jason Thompson outlined the report to Committee and provided photos of various views of the subject lands. He advised that the proposal is for a 42 unit seniors’ residence. Copetown is a Rural Settlement Area, the site has potential wetland features and the area has no City water or sewers and no public transit.

He listed the documents the applicant has provided and indicated that to date, the applicant has failed to provide the technical information supporting the proposed use. An Environment Impact Study is required, and while a preliminary hydro-geological study has been completed, it is insufficient.

He added that the Ministry of Environment would require the City to sign a default agreement if the private communal service system fails. This would place a liability and financial strain on the City. There is a risk from a Public Health and financial standpoint. New communal systems are not permitted by the City.

Bob Pearson, of the Lions Club addressed Committee. He provided a brief history of the Copetown Lions Club. He has been with the Lions Club for 20 years and has held all offices including president. He referred to his handout which has two attached financial statements. The Lions Club identified a need
for a Seniors’ residence and has therefore raised funds and applied for a rezoning to build such a residence.

The applicant’s agent, Ed Fothergill, addressed Committee, in support of the application. He pointed out the support from the residents and the benefits to the seniors if the application is approved. He acknowledged that there would be some risk to the City. His reading of the Provincial Policy statement is not the same as that of staff. In his interpretation, it supports the building of complete communities. He does not agree that there are any technical reasons to deny this application.

He explained the life lease option. The Lions Club would retain complete control of the project. The objective of the Lions Club is to serve.

Councillor Pasuta noted the number of letters which were received with respect to this issue. He asked a few questions of Ed Fothergill with respect to the concern with the water issue.

(i) Don Robertson, 27 Vanderlip Road, Ancaster

Mr. Robertson read a letter from Mr. Bill Shewfelt of the Copetown Lions Club and the Chairman of this project as he was unable to attend today’s meeting. His letter indicated that he is a long time resident of Copetown. He assured the Committee that if this project cannot be done right, it won’t be done at all. The Lions Club is not only concerned with the issues expressed by the residents but also with the environmental issues. He pointed out that other projects have operated on a communal well and successful sewage system.

After reading the letter, Mr. Robertson addressed the Committee and stated that one of the challenges is to maintain the fabric of the various communities (i.e. Copetown, Lynden, etc.) within the City of Hamilton. When the seniors have to sell their homes, they should be able to continue living in their communities.

He would like Ward 14 to become a better partner of this community. Many of the new wards don’t feel a part of the new City of Hamilton.

A copy of Mr. Shewfelt’s letter was submitted for the Clerk’s record.

(ii) Neal Parker, 1045 Highway 52 North, Copetown

Mr. Parker advised that he is in support of the project. He would like to remain in Copetown and this project would make it possible.
(iii) Jim Stollard, 7-457 Woodview Road, Burlington

Mr. Stollard indicated that he is representing the Hamilton Naturalist Club of which he is a member. The club opposes this application because of the impact on the environment.

This proposal abuts an existing Environmentally Sensitive Area (ESA) and the area performs a significant ecological function. It has aesthetic value and provides water control and the protection of wildlife. It is a significant natural area.

An Environment Impact Statement is necessary. There is potential for harm to the ESA from sewage and water run off. There's potential impact to the pond. Homes are planned much too close to the edge of the pond. The importance of the woodlot needs to be recognized. Approval of the Grand River Conservation Authority is required.

(iv) Chris Krucker, 702 Hwy 52 in Copetown

Mr. Krucker advised that he is a resident on Highway 52 in Copetown. Highway 52 is one of the least safe highways in Hamilton. He has lived there for several years. Since he has moved to Copetown everyone has moved away. From 80% to 90% of Copetown residents are new to the area. It is a new Copetown for residents who wish to live in the country. Statistics indicate that 3% of Canada's population live in the countryside. We have municipal plans to protect the countryside. He advised that he does not support developing the urban area. The idea is good but it doesn't work on this agricultural piece of land in an environmental area. Highway 52 is very dangerous. He used to be the Chair of Safe on Highway 52 Committee. It is unwise to build a residential facility that has access to this highway.

He noted that many of the letters of support have come from other communities. There are very few things to do in Copetown. There’s no sidewalk or shoulder on Highway 52, and it is a commuter link. It's not pedestrian or traveler friendly. Many vehicles are large trucks and school buses. There’s currently a study on the intersection. The highway is not senior friendly. The information necessary to make this decision has not been supplied by the developer. Mr. Krucker indicated that he is really concerned that this will open up the doors for development in Copetown.

Staff stated that they are not aware of the traffic study on Highway 52 but will look into the matter.
Councillor Pasuta acknowledged the concerns respecting the safety of Hwy 52 but he noted that the comments from traffic staff expressed no concerns with the proposed development.

(v) Paul Aicken, 558 Middletown Road, Dundas

Mr. Aicken addressed Committee and advised that he is the secretary of the Rockton Lions club. He read the letter from his club which indicates that the 42 members unanimously support the building project. Residents would like to retire in the area where they live. A complex of this nature is really needed in this area.

(vi) Chris McLeod, 950 Slote Road, Copetown

Mr. McLeod advised that he is a new resident in the area as he moved in last year. He appreciates the Lions Club, however, he would like the proposal to meet the City’s requirements. The obligations are not being met. He doesn’t believe that the rules should be bent and potentially compromise the environment. He questions the proposal to build a 42 unit residential building on a small piece of property at the intersection of Governor’s Road and Hwy 52. His concern is that the waste issue has not been resolved. It will be costly to the tax payers if anything goes wrong. He indicated that the staff’s report explains why they oppose the application. The developer requires a permit from the Grand River Conservation Authority. The proposal needs to address the health and water concerns. The Lions Club doesn’t want to get permits because of the associated cost but any other developer would need the permits.

(vii) Gordon Ferguson, 13 Beverly Glen Drive, Lynden

Mr. Ferguson addressed Committee and advised that he lives about 2 kilometres north/west of Copetown and he gave a brief history of his family. He currently lives on a half acre lot with a lawn and garden to maintain. He’s 73 years old and in good health but the tasks are becoming too much. He appreciates the clean air and healthy country living. His home is in close proximity to everything he and his wife need. They have the necessary infrastructure nearby. He found the staff report and copies of letters to be informative. He reviewed the letters counted twenty-five (25) respondents, eight (8) of whom were against the proposal. Ten (10) respondents had a Copetown postal address and nine(9) of those were in favour. Only one (1) was negative therefore nine (9) out of ten (10) were supportive. He believes that this shows overwhelming support from all the Copetown residents. There is a clear need for this development in this area. He indicated that the concerns that have been expressed (i.e. contamination of wetlands and farmlands) have been expressed with respect to other similar developments. He indicated that
these concerns are not new and history has shown that the perceived negative effects did not happen.

(viii) Ken Ofield, 80 Orkney Road

Mr. Ofield indicated that he was raised on the farm that abuts the site. He indicated that rural people are fiercely independent and they want to stay in their community. They don't want to move to Ancaster or Dundas because the costs can be prohibitive and also because they won't be happy to leave their communities. With respect to the concerns about the water and the septic systems, in his opinion it is not the intent of the Lions club to hurt the environment or hurt the community. They are there to help, and if given the okay they will do a good job. He doesn't agree that most people have moved away. The crux of the matter is to provide the residents an opportunity to stay in their community.

(ix) Gail Stewart, 62 Inksetter Road

Ms. Stewart first read a letter from Christina Zancola who was unable to attend the meeting. In her letter, Ms. Zancola asked that the Councillors not allow the lure of the dollar to override the environmental concerns. If this application is approved a precedent will be set. She wrote that all residents will be sad to leave when they are too old to remain in the country however, the issue is to save the lifestyle and environment for future generations.

Gail Stewart addressed Committee and expressed her opinion. She indicated that the issue of preserving the rural environment versus the support for the Lions Club and the desire to continue living in the urban area is dividing the Community. However, this decision is not about the Lions or about the individual residence but about the long term vision. She believes that the emotional ties would be different if the application was not by the Lions Club for seniors. She supports the recommendations of the planning staff.

(x) Denise Richardson, 88 Bethel Church Road, Lynden

Ms. Richardson advised Committee that her family was happy to move to Lynden to enjoy the country living. She is now the survivor of a traffic accident which took place on Highway 52. In order to miss a deer she hit a truck from a rendering plant and she was badly injured. Her family and her friends all use Hwy 52 and they are more careful now. She indicated that her issue is not with the Lions Club but with safety. Her mother, who is a senior, won't visit her anymore. Taxi cabs will service the area but request a $50.00 minimum charge which is expensive for seniors.
Because of the dangers posed by the Highway, the seniors will lose their freedom.

(xii)  Ed Rose, 1909 Old Governor’s Road

Mr. Rose reiterated the concerns with respect to water, the environment, sewage, etc.). He suggested that the Committee let this go to the OMB so that the Committee doesn’t make a biased decision.

On a Motion (Pearson/Mitchell) Ed Fothergill was permitted to speak again to the various comments which have been heard.

Mr. Fothergill indicated that he wished to clarify any misunderstanding with respect to environmental issues and the suggestion that the Lions club doesn’t want to pay for studies. He indicated that he and his client believe that the studies are important. However, he wanted to clarify that the subject site does not contain an Environmentally Sensitive Area (ESA) but is adjacent to an ESA. The studies undertaken to date suggest that there would be no impact if a sufficient buffer is provided. The size of the buffer needs to be determined and those studies will be done.

Staff has not deemed that a traffic study is required. Many of the residents who will be living in this project already are driving on Highway 52. Seniors don’t contribute to high peak traffic. Also, the people who attend the community centre will be able to walk there from the seniors’ residence rather than drive there. There have been similar projects in the rural area for decades. These kinds of developments have had precedent across Ontario and have been successful.

Furthermore, the City’s policies don’t apply to this application and with respect to the issue of profitability, it is not the Lions Club’s goal to make money but to provide a service.

Mr. Fothergill responded to questions posed by the Committee members.

On a Motion (Bratina/Pasuta) Chris Krucker was allowed to speak a second time.

Mr. Krucker believes that the last word should go to the staff report. It’s inaccurate to state that the policies don’t apply to Copetown. Copetown already had two further developments pre-approved. Also, consideration should be given to the hefty staff time and money which has been spent in preparing the report.

The Committee debated the comments which were made by the speakers and the issues of this application and Planning staff provided some further comments.

Don Fisher, Assistant City Solicitor, advised that although the Province doesn’t prohibit these types of communal servicing arrangements, it will forever hold the
City financially responsible if and when the system fails. All of these systems do break down over time. Therefore, the City would need to have a financial agreement with the proponent before approval is given. In order to cover the costs, the developer will need to charge a fee and the City will need to monitor the fee structure to ensure that it is sufficient. The administrative responsibilities for the City will be significant over time.

Committee discussed the matter and approved staff direction to prepare a draft model liability agreement with the applicant as outlined in Item 13 of this Report.

The Committee took a 15 minutes recess until 1:30 p.m.

Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2620 Binbrook Road East (Glanbrook) (PED08192) (Ward 11) (Item 6.6)

Chair Whitehead 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 (Pearson/Mitchell), Committee agreed to forgo the planner’s presentation.

David Falletta was present to assist Committee with the report.

The applicant’s agent, Steve Fraser, advised that he supported the staff recommendation.

No members of the public came forward to address Committee.

Committee discussed the matter and on a Motion (Mitchell/Pearson) directed that during the site plan control process, staff ensure that the design is in keeping with the area.
Committee approved the staff recommendation.

(m) Application to Amend Stoney Creek Zoning By-law No. 3692-92 for the Lands Located at 4 Second Street North (Stoney Creek) (PED08196) (Ward 9) (Item 6.7)

Chair Whitehead 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.

Danielle Fama outlined the report to Committee. She advised that five responses were received. The height and the original commercial use were the concerns. A concern respecting tenure was also received. She stated that the landscaping will be under site plan control. It conforms with the Official plans.

The applicant’s agent, Nick De Filippis, advised that he supported the staff recommendation.

(i) Vickie MacNaught, 10 Second Street North, Stoney Creek

Ms. McNaught addressed Committee and indicated that she is a neighbour. She has a few concerns and wanted to ask questions. Is a 1.25 metre buffer sufficient for the side yard, is there visitor’s parking and will her business be disrupted during the construction phase. She also noted that the units will be free hold so likely they won’t be rental units but she requested clarification and also she expressed concerns with the grading and drainage and how it will affect her property.

Staff responded that the 1.25 metres is sufficient as equipment, such as air conditioning units, is not allowed in the side yards, visitors parking is
not a requirement, the grading will be required to prevent drainage onto the neighbouring properties.

(ii) Ann Bennie, 5 Brandon Court, Stoney Creek

Ms. Bennie advised that there are nine homes on her court and they sometimes use Second Street for street parking. They are happy with the development but are concerned with parking.

Committee discussed the matter and had additional information supplied by staff. Councillor Pearson advised that the ward councilor (Clark) is in support of this application.

Committee approved the staff recommendation.

(n) Hamilton LEEDING the Way Community Improvement Plan (PED08169) (City Wide) (Item 6.8)

Chair Whitehead 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.

Guy Paparella outlined the report to Committee and explained LEED. The LEED buildings have less impact on the environment, they reduce the City’s infrastructure costs and have a healthier indoor environment. He provided some examples of LEED Buildings in the City.

Chair Whitehead left the meeting and Vice Chair Pearson assumed the Chair.

Guy Paparella advised that the City is using direct financial assistance to encourage this type of development. Also information is being supplied to the public about the grants that are available through an application process.
The Chair advised that as this is a City initiative there is no agent to address Committee.

No members of the public came forward to address Committee.

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

(o) Building and Licensing Division Operational Review Sub-Committee Report 08-002 respecting Animal Control Services (original staff report attached for information purposes) (Item 7.1)

On a Motion (Mitchell/McHattie) this item was referred to Committee of the Whole as it is a matter which is of City-wide importance.

(p) Staging of Development Program (PED08205) (City Wide) (Item 7.2)

This item was deferred to the next meeting, due to the lack of time to adequately address it. Staff was directed to bring the report to the next meeting.

(q) Marino Rakovac property at Bay Street North (Item referred by Committee from the August 5, 2008 meeting for further discussion.) (No copy) (Item 8.1)

Tony Powell, the agent for Mr. Rakovac, addressed Committee with regard to the subject matter. He reminded Committee that they were here about a month ago with respect to his client's application to rezone to residential. The by-law was passed in 2005 changing the zoning back to residential. The issue is before the OMB. The application has been pending since 2000.

In March of 2005, the Official Plan and the zoning was amended and the application is in accord with these policies. The matter is before the OMB. His client's lands are in a sea of residential zoning. There's no reason why his client's application cannot be dealt with. The lands are on Bay Street in the Tiffany block, it is currently a wrecking yard and it is legal non-conforming. CN wrote a letter of objection saying that they don't like residential lands next to the railway. He asked why the application has not moved forward and asked the Committee to recommend that the by-law be passed.

Councillor Bratina referred to the application and the by-law which stipulates the conditions of the approval.

Art Zuidema explained that the zoning approval is part of a larger package included in Setting Sail, which is before the OMB. The conditions of the by-law approved by
Council only apply once the by-law is in place and it is still before the OMB. The applicant has the option of appealing to the OMB on the timing issue.

Councillor Bratina advised that if this is approved, it will get rid of the wrecking yard, provide housing for 200 families and generate property taxes. He asked why the City can't sever this application from the Setting Sail Hearings since the larger issues are not related to this application.

Art Zuidema advised that he would prefer to respond In Camera.

On a Motion, (Bratina/McHattie), Tony Powell was allowed to speak again. He indicated that Art Zuidema should explain why Committee needs to go In Camera. Tony Powell explained that if the applicant appealed the City’s non-action, the timelines would be much longer for his client.

On a Motion (Pearson/McHattie), Committee moved into Closed Session at 2:30 p.m. to consider one matter pursuant to Section 239 of the Municipal Act, 2001, respecting the following:

(a) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting Setting Sail Appeal which is currently before the Ontario Municipal Board, with regard to the proposed development application at Bayview Terrace, Bay Street North.

On a Motion (Pearson/McHattie) the Committee reconvened in Open Session at 3:00 p.m. and approved the motion as outlined in Item 17 of this Report.

City-Wide Demolition Control (City Wide)(PED08188) (Item 8.2)

Tim McCabe presented the report. This is a harmonization to bring together one consistent demolition control by-law for the entire City. The new policy will provide some consistency across the entire City. The overall purpose is to prevent the premature demolition of good housing stock.

Councillor McHattie thanked staff. Councillor Mitchell expressed concern for the rural areas, and asked if the disconnection fee can be waived? Staff responded that if the property is not hooked up to City services no disconnection will be required.

The Committee approved the staff recommendation. Councillors Mitchell and Pasuta requested their opposition be recorded.
(s) Motions (Item 9)

Request for a Strategy to keep McMaster University, Mohawk College, and Redeemer University students in Hamilton, post graduation

Councillor McHattie explained his Motion.

WHEREAS; every year hundreds of young adults finish their post-secondary studies at McMaster University, Mohawk College and Redeemer University, and for the most part, these bright young minds leave Hamilton, and;

WHEREAS; the inability to retain university/college graduates represents a loss in Hamilton’s ability to foster and attract creative, leading edge businesses and jobs, and;

AND WHEREAS, several Hamilton student writers on the subject suggest that students leave as they fail to establish a relationship with Hamilton as home during their time in school, sometimes feeling alienated in near-campus neighbourhoods,

NOW THEREFORE City Council requests the City of Hamilton Economic Development Advisory Committee to advise Council on a strategy to keep McMaster University, Mohawk College, and Redeemer University students in Hamilton, post graduation, said strategy to include, including but not be limited to:

(a) working on Hamilton’s image in the minds of these young people including actionable strategies on improving campus-town relations, and;
(b) recommending specific programs that would directly assist graduates in creating businesses and obtaining jobs in Hamilton.

Committee agreed with the importance of this issue, and the Motion was passed.

(t) General Information (Item 11)

(i) Details of City grants/funding to various groups associated with Green Venture-verbal update (Item 11.1)

On a Motion (Bratina/Mitchell) this item was forwarded to Finance staff for a report to the Audit and Administration Committee.

(ii) Licencing of bath houses (From Outstanding Business List, due September 2, 2008) (Item 11.2)

Staff explained that this item will be considered on September 16, 2008 concurrent with amendments to the Zoning and Licensing By-laws.
(iii) News from the General Manager (no copy) (Item 11.3)

Mr. McCabe explained that staff is working on a report to present to Committee of the Whole on the first meeting in October to address which economic development items should come to this Committee and which should be presented to Committee of the Whole.

He noted that planning issues should only be dealt with at this Committee and he requested some feedback from the Councillors.

Councillor Mitchell suggested that Planning staff could bring major issues to the Economic Development and Planning Committee, for an initial review, and then take them to Committee of the Whole.

Mr. McCabe provided information respecting further up-coming reports as follows:

- Marketing strategy for business attraction and retention
- Demolition by neglect by-law
- Vision 20/20 presentation
- Amendments to the Parkland Dedication By-law
- Image consulting – need media relations image consulting to get message out that “we are open for business”

(u) ADJOURNMENT (Item 13)

On a Motion, (Mitchell/Pasuta) the Economic Development and Planning Committee adjourned at 3:50 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
September 2, 2008