Economic Development and Planning Committee
REPORT 08-015
Tuesday, August 5, 2008
9:30 am
Albion Room, Hamilton Convention Centre
1 Summer’s Lane
Hamilton

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

Absent: Councillor B. McHattie-Vacation

Staff Present: T. McCabe, General Manager – Planning and Economic Development
A. Rawlings, Co-ordinator, City Clerk's Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-015 AND RESPECTFULLY RECOMMENDS:

1. Repeal By-law No. 99-087 (To Amend Zoning By-law No. 6593 Respecting Lands located at Municipal Nos. 803, 819, 823, 865 and 871 West 5th Street) – Duplication of By-law (CL08004) (Ward 8) (Item 5.1)

That the by-law, attached as Appendix “A” to Report CL08004, to Repeal By-law No. 99-087 (To Amend Zoning By-law No. 6593 Respecting Lands located at Municipal Nos. 803, 819, 823, 865 and 871 West 5th Street) be passed.

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2. **Downtown Hamilton Business Improvement Area (B.I.A.) Revised Board of Management (PED07006(b)) (Ward 2) (Item 5.2)**

That the following individuals be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

- Brian O'Neill, Lordly Jones Office Furniture & Design
- Mike Daly, Incognito Restaurant & Wine Bar
- Paul Sutton, Crowne Plaza Hotel

3. **Changes to the Terms and Conditions of the Approved Loan under the Hamilton Community Heritage Fund Loan Program to Install Protective Glazing at 64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church) (PED07299(a)) (Ward 2) (Item 5.3)**

That the terms and conditions of the approved loan under the **Hamilton Community Heritage Fund Loan Program**, for property located at 64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church), as shown on Appendix “A” to Report PED07299(a), be amended as follows:

(a) That the entire loan commitment of $50,000 be advanced upon the execution of the loan agreement between the City and the Trustees of St. Paul's Presbyterian Church.

(b) That prior to the execution of the loan agreement, a copy of a signed contract between the Trustees of St. Paul’s Presbyterian Church and the contractor, outlining the entire scope of work, shall be submitted to the City.

(c) That the Trustees of St. Paul's Presbyterian Church shall deposit the loan funds into a bank account to be used exclusively as a repository for loan funds and the payment of invoices related to the approved work.

4. **Commercial Heritage Improvement and Restoration Program (CHIRP) Spring 2008 Grant Application (PED08182) (Ward 13) (Item 5.4)**

(a) That a conditional grant agreement be issued within the terms of the Commercial Heritage Improvement and Restoration Program (CHIRP) for the restoration project located at 13-17 King Street West, Dundas, for the replacement of vinyl windows with woodframe windows, as detailed in Report PED08182.

(b) That the applicant 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 the condition is met and, if the property taxes are not paid in 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 $13,910.88, be funded from Capital Project Account 58201-812040 (CHIRP Reserve 102047).

(d) That the Director of Planning be authorized and directed to approve increases/decreases to the individual grant amount approved as long as the overall grant portion for the individual grant does not exceed $20,000, and said 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 applicant for the completion of the work, over and above the one-year period that the applicant is given, 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.

5. Commercial Property Improvement Grant Program (C.P.I.G.) 280 King Street West – Extension (PED08176) (Ward 2) (Item 5.5)

(a) That a ninety (90) day extension to complete works under the previously approved application under the Commercial Property Improvement Grant Program (C.P.I.G.) for 280 King Street West be approved.

(b) That staff be authorized and directed to prepare and execute an amended Letter of Understanding for the aforementioned application, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

6. Demolition Permit – 54 Kennedy Avenue (PED08178) (Ward 8) (Item 5.6)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 54 Kennedy Avenue in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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 Acting Director of Building Services and to the City Solicitor; and,

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.

7. Demolition Permit – 16 Craigroyston Road (PED08179) (Ward 4) (Item 5.7)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 16 Craigroyston Road 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:

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

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,

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,

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 Acting 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.

8. **Acquisition of Ontario Realty Corporation (ORC) Surplus Land, 00 North Service Road, located at the intersection of Given Road, North Service Road and Cherry Beach Road, Stoney Creek (PED08181) (Ward 10) (Item 5.8)**

(a) That the Mayor and City Clerk be authorized and directed to execute the Agreement of Purchase and Sale between the Ontario Realty Corporation (ORC), acting as agent on behalf of Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal and the City of Hamilton, those lands comprising an area of approximately 1.5 acres, described as being Part of Lot 18, Broken Front Concession, formerly in the Geographical Township of Saltfleet, City of Stoney Creek, now in the City of Hamilton, designated as Part 1 on Plan 62R-15709, being PIN 17346-0252(LT) and more particularly shown on Appendix “A” and “B” attached to Report PED08181 at a purchase price of $9,100 plus other associated costs.

(b) That the cost of purchase, plus disbursements of the Provincial surplus land be funded from the Cherry Beach Land Acquisition and Parkland Development Account 4400856144.

(c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor.

9. **Designation of a Business Improvement Area (B.I.A.) in Ancaster on Wilson Street East between Montgomery Drive and Dalley Drive (PED08183) (Ward 12) (Item 5.9)**

(a) That a B.I.A. be designated on Wilson Street East between Montgomery Drive and Dalley Drive including the Old Mill Restaurant which fronts on Old Dundas Road but abuts Wilson Street as identified in Appendix ‘A’ to Report PED08183.

(b) That the City Clerk’s Division be authorized and directed to circulate the proposed area with the notice of intent to approve the designating by-law in accordance with Sections 204, 210, 212 and 213 of The Municipal Act.

(c) That the City Solicitor be authorized and directed to prepare the necessary by-law.
10. Acquisition of Ontario Realty Corporation (ORC) Surplus Provincial Lands, Baseline Road and the North Service Road, Stoney Creek (PED08184) (City Wide) (Item 5.10)

(a) That the Mayor and City Clerk be authorized and directed to execute the Agreement of Purchase and Sale between the Ontario Realty Corporation (ORC), acting as agent on behalf of Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal and the City of Hamilton, those lands comprising an area of approximately 2.9 acres, described as being Part of Lot 2, Concession 1, formerly in the Geographical Township of Saltfleet, City of Stoney Creek, now in the City of Hamilton, designated as Part 1 on Plan 62R-15673, being PIN 17370-0654(LT) and more particularly shown on Appendix “A” attached to Report PED08184 at a purchase price of $986,000, plus disbursement costs.

(b) That the cost of purchase, plus disbursements of the Provincial surplus land be funded from the City Property Purchase Reserve Account 100035.

(c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor.

(d) That the Development Planning Section of the Planning and Economic Development Division, be authorized and directed to initiate an Official Plan Amendment and a Zoning By-law Amendment to facilitate the Visitor Welcome Centre (Gateway) upon completion of a favourable Gateway Feasibility Study.

11. Hamilton Downtown Residential Loan Program – 80 King William Street (RL03/05) (PED08186) (Ward 2) (Item 5.11)

That Report PED08186, Hamilton Downtown Residential Loan Program – 80 King William Street, be received for information.

12. Hamilton LACAC (Municipal Heritage Committee) June 26, 2008 (Item 5.12(a))

That the Minutes of the June 26, 2008 meeting of the Hamilton LACAC (Municipal Heritage Committee) be received.
13. Application for an Amendment to the Glanbrook Official Plan and to Amend Glanbrook Zoning By-law No. 464 for the Lands Located at 9345 Chippewa Road West (Glanbrook) (PED08170) (Ward 11) (Item 6.3)

(a) That approval be given to **Official Plan Amendment Application OPA-08-006 by Robert Misener, Owner**, for Amendment No. _____ to the Glanbrook Official Plan, to permit the severance of a surplus farm dwelling as a result of a farm consolidation, notwithstanding the farm holdings do not abut each other, for lands located at 9345 Chippewa Road West, as shown on Appendix “A” to Report PED08170, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08170, be adopted by City Council.

(b) That approval be given to **Zoning Application ZAR-08-022 by Robert Misener, Owner**, for a change in zoning from the General Agriculture “A1” Zone to the General Agriculture “A1-240” Zone in order to prohibit residential uses and the outside parking and storage of larger vehicles not related to the farm operation, and to permit a reduction in the minimum lot frontage from 150.0 metres to 108.8 metres on Block “1”, and for a change in zoning from the General Agricultural “A1” Zone to the General Agriculture “A1-241” Zone in order to permit a reduction in the minimum required rear yard setback for an accessory building from 10.7 metres to 5.38 metres on Block “2”, for the lands located at 9345 Chippewa Road West, (Glanbrook), as shown on Appendix “A” to Report PED08170, on the following basis:

(ii) That the draft By-law, attached as Appendix “C” to Report PED08170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iii) That the amending By-law be added to Schedule “B” of Zoning By-law No. 464.

(iii) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and will conform to the Township of Glanbrook Official Plan upon approval of Official Plan Amendment No.____.

14. Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for the Property Located at 7 Sirente Drive (Hamilton) (PED08175) (Ward 7) (Item 6.4)

(a) That approval be given to **Condominium Application 25CDM200806, by Empire Communities, owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, landscaped areas, sidewalks, and an emergency access road for sixty-four dwelling units (40 street townhouses and 24 maisonettes) for the property
located at 7 Sirente Drive (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED08175, subject to the following conditions:

(i) That this approval applies to the plan prepared by Bryan Jacobs, dated April 23, 2008, showing the following condominium elements: a road, 21 visitor parking spaces, landscaped areas, sidewalks, and an emergency access road, attached as Appendix “B” to Report PED08175.

(ii) That the Final Plan of Condominium complies with all applicable provisions of Zoning By-law No. 6593.

(iii) That the Owner shall enter into a Development Agreement to ensure that each of the proposed sixty-four street townhouse dwellings have tied parcels to the plan of condominium and to address any other requirements of the City of Hamilton, to the satisfaction of the City Solicitor.

(iv) That the Owner shall receive final approval of Part Lot Control Application PLC-08-012, including the enactment and registration on title of the Part Lot Control By-law.

(v) That the Owner shall include the following warning clause in the Development Agreement, Condominium Agreement, and all Offers of Purchase and Sale Agreements:

Applicable to all units/lots:

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

Noise Warning Clause Type A (applicable to units/lots 13 to 27):

"Purchasers/tenants are advised that, despite the inclusion of noise control features in the development and within building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria."

Noise Warning Clause Type B (applicable to units/lots 5 to 64):

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc., was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment's noise criteria. (Note: the location and installation device
should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices, and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.

(vi) That all conditions of approval of Site Plan Control Application DA-08-028 have been satisfied, to the satisfaction of the Director of Planning, Planning and Economic Development Department.

(vii) That the final plan of condominium complies, in all respects, with the approved Site Plan (DA-08-028), to the satisfaction of the Director of Planning, Planning and Economic Development Department.

(viii) That the Owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton.

(ix) That the Owner covenants and agrees to provide the Manager of Engineering 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) to provide adequate telecommunication service to the lands within the approved Draft Plan, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(b) That upon draft plan approval being granted by the Director of Planning, that the portion of the subject lands designated as “Utilities” be redesignated as “Attached Housing” in the Approved Crerar Neighbourhood Plan.

15. Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Rear Portion of the Lands Located at 1307 Highway No. 8 (Stoney Creek) (PED08158) (Ward 11) (Item 6.5)

(a) That approval be given to Official Plan Amendment Application OPA-07-13 by Melissa Bos, owner, for Official Plan Amendment No. _____, to amend Schedule ‘A’, General Land Use Plan, from “General Commercial” to “Residential”, and Schedule ‘A2’, Winona Urban Community Secondary Plan, from “General Commercial” to “Low Density Residential”, of the Official Plan for the former City of Stoney Creek, on the rear portion of the lands known as 1307 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED08158, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08158, be adopted by City Council.
(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning By-law Amendment Application ZAC-07-050 by Melissa Bos, owner**, for a change in Zoning from the Local Commercial “LC” Zone to the Residential “R2” Zone, to permit the future development of one single detached dwelling on a separate lot for the lands located at the rear of 1307 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED08158, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED08158, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on August 5, 2008, respecting the correction of two typographical errors, be forwarded to City Council for enactment.

(ii) That the amending By-law be added to Schedule ‘A’, Map No. 9, of Zoning By-law No. 3692-92.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Official Plan of the City of Stoney Creek upon the approval of Official Plan Amendment No. ____.

(c) That upon finalization of the implementing By-law, the Winona South Neighbourhood Plan be amended to change the designation of the rear portion of the subject lands from “Commercial” to “Low Density Residential”.

16. **An Application for an Amendment to Zoning By-law 05-200 (Hamilton) for Lands Located at 153 George Street (PED08173) (Ward 1) (Item 6.6)**

That approval be given to **Staff Amended, Zoning Application ZAC-07-042, Community Residential Care Homes (Kathleen Ward and Michael Powers), Owners**, for a change in zoning from the Neighbourhood Institutional “I1” Zone to the Neighbourhood Institutional “I1” Zone, Modified, to permit the expansion of an existing Residential Care Facility from 15 residents to 24 residents, on lands located at 153 George Street (Hamilton), as shown on Appendix “A” to Report PED08173, on the following basis:

(a) That the subject lands be rezoned from the Neighbourhood Institutional “I1” Zone to the Neighbourhood Institutional “I1” Zone, Modified.

(b) That the draft By-law, attached as Appendix “B” to Report PED08173, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that a legal agreement to abandon the uses at 255 Caroline Street

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South has been signed and registered, to the satisfaction of the Director of Planning.

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

17. **City Initiative for a Change in Zoning for Lands Located as Part of Lot 5, Concession 3, Township of Glanford (Glanbrook) (PED08177) (Ward 11) (Item 6.8)**

That approval be given to **City Initiative CI-08-F, City of Hamilton, Owner**, with modifications recommended by staff, for a change in Zoning from the Airport “AT” Zone to the Airport - Related General Industrial “M4” Zone and the Conservation/Hazard Land (P5) Zone, in order to permit the westerly portion (Block 2) of the lands to be used for Industrial purposes in conjunction with the lands to the north; and for the easterly portion (Block 1) to continue to be used for stormwater management purposes on the lands located on Upper James Street, known as Part of Lot 5, Concession 3, Township of Glanford (Glanbrook), as shown on Appendix “A” to Report PED08177, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08177, 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 Schedule “A” of Zoning By-law No. 464.

(c) That the draft By-law, attached as Appendix “C” to Report PED08177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the amending By-law be added to Schedule “A”, Map No. 1629, of Zoning By-law No. 05-200.

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for the Township of Glanford.

18. **Demolition Permit – 588 Corbett Street (PED08161) (Ward 4) (Item 8.1)**

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 588 Corbett Street 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 Acting 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.

19. Demolition Permit, 254 Beach Road, Hamilton (PED08180) Ward 3 (Item 8.2)

That the Director of Parking and By-Law Services be authorized and directed to obtain a demolition permit to demolish 254 Beach Road (Lots 2-4 and 1-5) in accordance with Section 42(1) of the Property Standards Bylaw 03-117.

20. Downtown Hamilton Heritage Property Grant Program Tivoli Theatre – 108-114 James Street North (PED08187) (Ward 2) (Item 8.3)

(a) That a grant commitment, at an upset limit of $20,000.00 for technical and historical studies, including consultant fees for condition assessments, and engineering reports related to the restoration of the Tivoli Theatre, 108-114 James Street North, be approved in accordance with the terms and conditions of the Downtown Hamilton Heritage Property Grant Program.

(b) That staff be authorized and directed to prepare and execute the Letter of Understanding with the applicant with respect to sub-section (a) above, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

(c) That the total grant with respect to sub-section (a) at an upset limit of $20,000.00 be funded from Capital Project ID 8200803803.

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(d) That Report PED08187 be forwarded to the Hamilton LACAC (Municipal Heritage Committee) as information.

21. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-07:110 Cal and Shelly Bosveld (Owner), Karl Gonnsen (Agent - Metropolitan Consulting Inc.) for Lands Located at 71 and 75 11th Concession Road East (Former Town of Flamborough) (PED08171) (Ward 15) (Item 8.4)

That Council agrees to the following actions, as detailed in Report PED08171, respecting the appeal of the City of Hamilton Committee of Adjustment Consent/Land Severance Application FL/B-07:110 (Cal and Shelly Bosveld), 71 and 75 11th Concession Road East, former Town of Flamborough, as shown on Appendix “A” to Report PED08171, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

(a) That Council directs staff to withdraw the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application FL/B:07-110. (Cal and Shelly Bosveld), 71 and 75 11th Concession Road East, former Town of Flamborough;

(b) That Report PED 08171 be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- two additional delegation requests have been received, and will be added as Items 4.4 and 4.5.

The Agenda for the August 5, 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 July 7, 2008 were approved.

(d) Liam Doherty, respecting Item 8.4 – Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-07:110 Cal and Shelly Bosveld (Owner), Karl Gonnsen (Agent - Metropolitan Consulting Inc.) for Lands Located at 71 and 75 11th Concession Road East (Former Town of Flamborough) (PED08171) (Ward 15) (Item 4.1)

Committee approved the delegation to address them today respecting Item 8.4.

(e) Charlie Firth respecting Item 8.1 Demolition Permit – 588 Corbett Street (PED08161) (Ward 4) (Item 4.2)

Committee approved the delegation to address them today respecting Item 8.1.

(f) Keith Beck respecting proposal for the City investigate and create a subsidiary corporation to manage and market City owned employment lands (Item 4.3)

Chair Whitehead explained that the economic model proposed by Mr. Beck had already been considered by Council, and that an alternative model had been approved.

Committee denied the delegation request.

(g) Anthony Powell, on behalf of Marino Rakovac, respecting property at Bay Street North (Added Item 4.5)

Committee approved the delegation request to address them today.
(h) Edward Graydon, respecting advertising signage issue at James Street North

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

(i) Demolition Permit – 54 Kennedy Avenue (PED08178) (Ward 8) (Item 5.6)

Chair Whitehead requested further information respecting the staff recommendation. Staff explained further details of the proposed demolition permit. Committee approved the recommendation in the staff report.

(j) Acquisition of Ontario Realty Corporation (ORC) Surplus Provincial Lands, Baseline Road and the North Service Road, Stoney Creek (PED08184) (City Wide) (Item 5.10)

Committee requested further information respecting the staff report and the timing of the recommendation. Staff provided additional details.

On a Motion (Clark/Bratina), Committee amended the staff recommendation (d) to ensure that the development applications do not proceed until the required feasibility study recommends that the project go forward.

(k) Cameron Macleod, Epiphyte Media Productions, respecting the Proposed Hamilton Film and Television Investment Fund (Item 6.1)

Mr. Macleod addressed Committee in support of his proposal for the City to consider the provision of a loan programme for the production of new films. Mr. Macleod provided a handout which was distributed to Committee.

Committee discussed the ideas raised and had further information supplied by the delegate.

On a Motion (Bratina/Clark), the matter was referred to staff for a report back to Committee.

Councillor Ferguson requested that his opposition be recorded.
Eileen Dunsmuir, representing charities at Princess Bingo, respecting her request to reduce the Bingo Licence fees (Delegation approved on July 7, 2008) (Item 6.2)

Eileen Dunsmuir addressed Committee in support of the request from the charities which operate at Princess Bingo, to reduce their fees.

Ms. Dunsmuir was accompanied by Anna Mitchell, Hamilton Aquatic Water Polo, Julie Guthrie, Canadian Red Cross and Clement Feierabend, President Princess Bingo Sponsors Association.

Ms. Dunsmuir explained the financial difficulties being faced by the charities and requested that the City consider a reduction in the fees charged.

On a Motion (Clark/Duvall), the matter was referred to staff for a report back to Committee, with direction that staff should include consideration of the current fee structure, the City workload, and the practice of other municipalities.

Anthony Powell respecting property at Bay Street North (Added Item)

Mr. Powell addressed Committee on behalf of his client, Marino Rakovac. Mr. Powell provided an overview of the history of this proposal to re-use a former wrecking yard for a multi-residential development. He noted that his client was ready to proceed and requested the City’s help in removing the property from the Setting Sail appeal, which is currently before the OMB.

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

On a Motion (Bratina/Clark), Committee directed that the matter should be placed on the next agenda, where legal staff should be present to provide advice, before any action is taken.

Application for an Amendment to the Glanbrook Official Plan and to Amend Glanbrook Zoning By-law No. 464 for the Lands Located at 9345 Chippewa Road West (Glanbrook) (PED08170) (Ward 11) (Item 6.3)

A Public Meeting was held.

On a Motion (Pearson/Mitchell), Committee agreed to forgo the planner’s overview.

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.

Danielle Fama was present to assist with the report.

The applicant’s agent, Chris Berghuis, advised that he was in support of the staff recommendations.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

Councillor Mitchell requested information on the timing of the approval of the Rural Official Plan.

Bill Janssen indicated that the Province is now moving towards approval of the plan, without modifications, and that this is expected by early October.

(o) Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for the Property Located at 7 Sirente Drive (Hamilton) (PED08175) (Ward 7) (Item 6.4)

A Public Meeting was held.

On a Motion (Duvall/Clark), Committee agreed to forgo the planner's presentation.

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 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 in respect of the proposed plan of condominium 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.

Greg Macdonald was present to assist Committee with the report.

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

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Rear Portion of the Lands Located at 1307 Highway No. 8 (Stoney Creek) (PED08158) (Ward 11) (Item 6.5)

A Public Meeting was held.

On a Motion (Pearson/Mitchell), Committee agreed to forgo the planner’s presentation.

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.
Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Paul Mallard advised of minor typographical changes to the proposed by-law.

David Falletta was present to assist Committee.

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

No members of the public came forward to address Committee.

Committee approved the staff recommendation, including the minor amendment to the by-law.

(q) An Application for an Amendment to Zoning By-law 05-200 (Hamilton) for Lands Located at 153 George Street (PED08173) (Ward 1) (Item 6.6)

A Public Meeting was held.

The Chair noted that Councillor McHattie, Ward Councillor, was in favour of the staff recommendation to approve the application.

Chair Whitehead advised that written submissions, in support of the application, had been received from the following persons:

Anne and Fred Tofani, 95 Northern Breeze Street, Mount hope
Dr. Bruce Mason, 196 George Street
Christine Gibson & Donald Spaetzel, 126 Chudleigh Street, Waterdown
Pauline Jarvis, 172 East 35th Street, Hamilton
Dr. D.J. Kraftchek, 155 James Street South, Hamilton
Dr. Barbara Bohm-Lee, 17 Queen Street South, Hamilton
Dr. Bryan J. Alton, McMaster University
Sharon Blazejewski, 28 Elite Drive, Hamilton
Bill and Diane Whiskin, 3333 New Street, Burlington

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.
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.

Edward John outlined the report to Committee and advised of minor changes to the by-law, which were being recommended by staff.

Mr. John provided background to the application, including the following:

- original application scaled back to include just the subject property, formerly included 149 George Street as well
- applicants are proposing to consolidate their operations, by moving the residents from the home at Caroline Street, to the subject site. The use of Caroline Street will close before any by-law for George Street goes to Council.
- Several letters of support received
- Several letters expressing concerns received, concerns included parking, loading, impact and scale of proposal.

John Ariens, IBI Group, the agent for the applicants, addressed Committee in support of the application. He explained that both applicants were present. Mr. Ariens provided further background to the application, including, but not limited to, the following:

- Community Care Residential Homes in operation over 30 years, over 20 years at this location
- Applicants held public open house, many of attendees not previously aware of group home’s existence
- Propose to close 9 bed facility on Caroline and consolidate the operation on this site, providing better facilities
- No change proposed to circular driveway and two parking spaces, all staff walk or take transit, none of residents have cars, few deliveries, few lengthy visits by friends and family. Expanding parking physically possible but would mean removal of three mature trees
- Overall intent is to design additions to maintain residential character of area.

Rose Lax, 141 George Street, addressed Committee in opposition to the application. Her concerns included, but were not limited to, the following:

- “sandwiched” between two care homes which exist at 139 and 153 George Street
- problem of insufficient parking, people park on her lawn, block driveway sometimes, block access to her garage
- increased traffic will have further impact, traffic includes DARTS vehicles, taxis, delivery trucks, staff cars, also parking issues related to Scottish Rite
- concern that fire vehicles from station at Ray/George will be affected
- property value issue.

James Webb, the planning consultant for Mrs. Lax, addressed Committee on her behalf. His points included, but were not limited to, the following:

- in favour of reduction in originally planned increase
- concern about parking and loading, need extra spaces provided
- suggested deferral of application pending revised parking scheme.

Bill Hazelhurst, 3000 Creekside Drive, Dundas, addressed Committee in support of the application. His points included the following:

- he is friend and supporter of organization, his daughter is a resident
- residents in group home are happy, well cared for
- group home has good “home away from home” atmosphere
- strong support for expansion.

Bill Whiskin, 3333 New Street, Burlington, addressed Committee in support of the application. His points included the following:

- supports home and its expansion
- his daughter is a resident, she is well looked after there
- there will be no real changes to the facility
- no parking issues on site, no traffic problems.

Christine Gibson, 126 Chudleigh Street, Waterdown, addressed Committee in support of the application. Her points included the following:

- her daughter a four year resident, she has good care
- there is no difficulty with parking, except when Scottish Rite has a function or has filming going on
- the owners have high standards for the care provided to the residents and for the building.

Committee discussed the issues and had additional information supplied by staff and the agent, including the following:

- visitors normally park briefly to pick up and drop off residents, few longer visits
- site could physically include extra parking but would lessen residential character and require removal of 3 trees
- no problems raised by Fire Services respecting expansion.

A Motion (Clark/Mitchell) for an amendment to the recommendation to add a requirement for a minimum of 2 and a maximum of 5 extra parking spaces lost on a tie vote.

On a Motion, Committee approved the staff recommendation.

Councillor Clark requested his opposition be recorded.

Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road (Dundas) (PED08172) (Ward 13) (Item 6.7)

A Public Meeting was held.

On a Motion (Clark/Duvall), Committee agreed to forgo the planner’s presentation.

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.

Cam Thomas was present to assist Committee with the report.

Rob Cutler, Donsfield Associates, advised Committee that he supported the staff recommendation.

Audrey Hensen, 48 Autumn Leaf, addressed Committee in support of the retention of the variety store. Her comments included, but were not limited to, the following:
- understands need for infill, but also need for maintenance of community facilities, for mixed neighbourhoods which are livable, for gathering points such as a store
- local store well used, means fewer vehicle trips for small purchases
- City policies seem to be in conflict here, report says infill is good but so is maintenance of a mixed neighbourhood
- Resident since 1991, sees many people, especially kids, walk to store
- Application proposed when gas 99 cents a litre, now it is $1.39 a litre
- Loss of store will require more driving, more emissions, will not enhance community.

Kristine Geyer, 50 Autumn Leaf Road, Dundas, addressed Committee in favour of maintaining the store. Her points included, but were not limited to, the following:

- likes to walk to store, many people walk there
- approximately 400 people in the community, just one store, people should have easy access to a store in their community
- replacing the store will be environmentally detrimental.

Wendy Negrazis, 47 Autumn Leaf, addressed Committee in favour of maintaining the store. Her points included, but were not limited to, the following:

- her residence backs onto store, considers store well run, parking, deliveries not a problem, no excess traffic, no idling of vehicles
- most people walk to the store, meeting place in community, kids can walk there, learning experience needed
- residents had a petition to keep store when Committee of Adjustment application made, concerned that report did not mention this
- 3 new houses will not be compatible, there will be issues of traffic, school bus stop conflicts, regarding of site, sewage issues.

Committee discussed the application and the points made by the presenters, and had further information supplied by staff.

Committee noted the following points:

- desirable to have a local store in a community,
- City has policies which encourage provision of local commercial, but policies cannot force the operation of a store
- A refusal of the application may lead to an appeal, the City would need to hire an outside planner to represent the position of Council
- A refusal could lead to a vacant building, which could lead to further problems.
Committee was advised that the position on the application of Councillor Powers, the Ward Councillor, was not known.

A Motion by Councillor Pearson, seconded by Councillor Ferguson, to approve the staff recommendation was placed on the floor, as follows:

That approval be given to Zoning Application ZAC-08-020, (2163397 Ontario Inc.) owner, for a change in zoning from the “C-1” Neighbourhood Commercial Zone, under Dundas Zoning By-law No. 1964, to the Single Detached Residential (R2) Zone in Dundas Zoning By-law 3581-86 to allow for the development of 3 single detached dwellings on separate lots, on lands located at 69 Autumn Leaf Road, as shown on Appendix “A” to Report PED08172, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

A Standing Recorded Vote was taken.

Yeas: Pearson, Ferguson, Pasuta, Mitchell
Total Yeas: 4
Nays: Clark, Duvall, Bratina, Whitehead
Total Nays: 4
Absent: McHattie

The Motion LOST on a tie.

No further Motions were placed on the floor.

City Initiative for a Change in Zoning for Lands Located as Part of Lot 5, Concession 3, Township of Glanford (Glanbrook) (PED08177) (Ward 11) (Item 6.8)

A Public Meeting was held.

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.

Trevor Horzelenberg outlined the report to Committee and noted that, as this was a City Initiative, there was no agent. He noted that two letters had been received from an adjacent resident, raising concern about the airport zoning regulations, fencing and well water, and explained how these issues were addressed. Staff being provided details of the proposed storm water management area.

Councillor Mitchell noted his concerns about traffic issues on Upper James. He noted that this road, which is now controlled by the city, needs centre turning lanes and needs a signalized intersection at Dickenson Road. Councillor Mitchell also noted that speeding is an issue on the road and that there are drainage issues which need to be addressed. He requested that the City move forward to address these issues.

Hugh Kellett, 2623 Upper James, Mount Hope, addressed Committee. He asked for clarification respecting the zoning, and how the subject property would gain access to the adjacent roads. He also noted problems of vehicles driving way in excess of the posted 80km speed limit and explained that he had seen numerous accidents on this section of road.

Mr. Horzelenberg explained the zoning for the subject lands, that the lands would gain access internally, to the subdivision roads, that the land would be merged with adjacent lands in the subdivision and that there would be no new access to Upper James.

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

Committee approved the staff recommendation.

At 12:45 pm, Committee recessed for a short lunch break. Committee reconvened at 1.15pm

Demolition Permit – 588 Corbett Street (PED08161) (Ward 4) (Item 8.1)
Dio Ortiz and Frank Peter provided an overview of the subject property. Mr. Peter explained that the standard conditions respecting the submission of a building permit and associated items had been included in the staff recommendation.

Charlie Firth, the agent for the property owner, addressed Committee and requested that the demolition be allowed to proceed without the imposition of the conditions respecting the submission of a building permit. He provided additional details and explained that the bank who owned the property had hired him to demolish it, and that the cleared site would then be sold. Mr. Firth explained that the house was subject to trespass, despite his best efforts to keep it secured.

Committee discussed the matter and had further information supplied by staff. Committee reviewed whether the staff recommendation could be amended and still achieve the same result, the demolition of the house and the construction of a new house within two years.

Mr. McCabe explained that the relevant legislation would not permit this.

Committee approved the staff recommendation.

Demolition Permit, 254 Beach Road, Hamilton, (PED08180)(Ward 4)(Item 8.2)

Bill Young provided an overview of the staff report. Staff explained that the building is in a ruinous and dangerous condition, following a fire, and that the cost of the demolition by the City would be placed on the property taxes for the site.

Committee discussed the matter in detail.

Committee approved the staff recommendation.

Downtown Hamilton Heritage Property Grant Program Tivoli Theatre – 108-114 James Street North (PED08187) (Ward 2) (Item 8.3)

Ron Marini provided an overview of the staff report.

Committee approved the staff recommendation.
(w) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-07:110 Cal and Shelly Bosveld (Owner), Karl Gonnsen (Agent - Metropolitan Consulting Inc.) for Lands Located at 71 and 75 11th Concession Road East (Former Town of Flamborough) (PED08171) (Ward 15) (Item 8.4)

Alvin Chan gave an overview of the staff report, and the reasons staff was recommending an appeal of the decision of the Committee of Adjustment to approve the severance. He also noted that the City does not have building permit records for the construction of the second house, and that the zoning does not allow for a duplex.

Liam Doherty, Metropolitan Consulting Inc., addressed Committee in support of the severance application, and provided an additional handout.

He provided background to the application and the history of the site, including the following:

- permits had been issued for both dwellings
- land was not prime agricultural, but a rocky outcrop
- original owner, Len Tuinstra, had sworn an affidavit about the building permits being issued, and that both houses legally established
- 3 previous severance applications had been refused for the site, in 1974, 1978 and 1988.
- Site represents a unique situation
- Severance would not contravene public policy.

Cal Bosveld, owner of the property, addressed Committee in support of the severance. His points included the following:

- the original owner and builder, Mr. Tuinstra, had made applications to sever second house
- land a rocky outcrop, never farmed as far as he knew, barn used for storage only.

Chair Whitehead thanked the delegations.

Committee discussed the matter.

On a Motion (Pasuta/Mitchell), Committee approved Option 2 in the staff report, not to continue with the appeal of the severance

(x) Motions (Item 9)

None
(y) Notices of Motion (Item 10)

Request for a Strategy to keep McMaster University, Mohawk College, and Redeemer University students in Hamilton, post graduation (Item 10.1)

Councillor McHattie was not present to explain the Notice of Motion.

Chair Whitehead confirmed that the Item would proceed as a Motion on the next Agenda.

(z) General Information (Item 11)

(i) Student rental housing adjacent to McMaster and Mohawk (from Outstanding Business List, due August 5, 2008) (Item 11.1)

Paul Mallard provided an overview and advised that the report should be ready for Committee in early October.

(ii) Provincial wetland analysis for community beach ponds (from Outstanding Business List)

David Cuming explained that the MNR has agreed to do the required study, and that the City and both School Boards have approved entry to the property. However, a second site visit when water levels are lower is needed, and with the wet summer, this may not be possible for a while. Staff will report back after the work is completed.

(iii) News from the General Manager (no copy) (Item 11.2)

Mr. McCabe provided a number of updates respecting his department, the staff and various on-going initiatives.

He proposed that a special meeting of Committee be held in early November, to consider the new policies for the Official Plan and the new Zoning By-law. He noted that the Clerk would now do a poll for this meeting.

(iv) Noise issues

Council – August 7, 2008
Councillor Mitchell advised of problems with dealing citizen complaints about noise. He explained how recent complaints had not been addressed, and how the police dispatch services had advised callers that the City had no noise officers.

Staff provided information, and Bill Young noted that the section was still under re-organization, but that noise complaints are being dealt with.

He agreed to talk further to Councillor Mitchell on this matter.

Councillor Mitchell also noted issues related to the natural heritage policies in the new Official Plan, and difficulties being faced by an applicant who wished to construct a new house and a new laneway to his property.

(v) Parking at HMP site, Bay Street

Chair Whitehead requested an update on this matter.

Mr. McCabe responded that the parking use is illegal and that the City is presently in court over the matter.

(vi) Chedoke Brow Lands

Chair Whitehead requested an update on progress.

David Cuming explained that, while the Planning Act time-frame for holding a Public Meeting had been exceeded, the City is still waiting for required information from the applicant. This information is needed before a Public Meeting can be arranged.

(vii) Steel Committee/Intergovernmental Affairs Committee

Chair Whitehead requested that a meeting of this group be arranged, and that it would be useful to have input from the new Economic Development Advisory Committee as well.

(ii) PRIVATE AND CONFIDENTIAL (Item 12)

None
(jj) ADJOURNMENT (Item 13)

On a Motion, the Economic Development and Planning Committee adjourned at 2:35 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
August 5, 2008