Economic Development and Planning Committee
MINUTES 07-016
September 18, 2007
9:30 a.m.
Council Chambers
Hamilton City Hall

Present:
Chair D. Mitchell
1st Vice-Chair T. Whitehead
2nd Vice-Chair M. Pearson

Councillors: B. Bratina, B. Clark, S. Duvall, L. Ferguson,
B. McHattie, R. Pasuta

Staff Present:
T. McCabe, General Manager – Planning and Development
T. Sergi, P. Mallard, R. Lee, D. Cuming, P. De Iulio,
D. Barnett, C. Thomas, K. Maxwell, J. Hickey-Evans,
S. Vattay – Planning and Development
C. Read – Economic Development
A. Rawlings – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Committee of Adjustment (Urban) Minor Variance Application AN/A-07:150 for the Property Known as 125 Wilson Street West, Ancaster - Supported by the Planning and Economic Development Department (PED07242) (Ward 12) (Item 5.1)
   (Clark/Bratina)
   That Report PED07242 respecting Committee of Adjustment Minor Variance Application AN/A-07:150, for the property known as 125 Wilson Street West, Ancaster, as shown on Appendix “A” to Report PED07242, denied by the Committee of Adjustment but supported by the Planning and Economic Development Department, be received for information.
   CARRIED

2. Main Street Housing Loan and Grant Program - 48 King Street West, Dundas (PED07245) (Ward 13) (Item 5.2)
   (Pearson/Whitehead)
   a) That a loan commitment totalling $10,000 for the development of one (1) residential unit at 48 King Street West, within the Dundas B.I.A., be approved in

   Council – September 26, 2007
accordance with the terms and conditions of the Main Street Housing Loan and Grant Program;

b) That a grant commitment at an upset limit of $5,000 for professional fees related to the development of the residential unit at 48 King Street West, Dundas, be approved in accordance with the terms and conditions of the Main Street Housing Loan and Grant Program;

c) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and security documentation with respect to sub-sections (a) and (b) above in a form satisfactory to the City Solicitor;

d) That the General Manager of the Planning and Economic Development Department be authorized and directed to amend the loan agreement provided that the terms and conditions of the Main Street Housing Loan and Grant Program as approved by City Council are maintained;

e) That a condition of the loan and grant commitment for the development project listed in sub-sections (a) and (b) above be that the loan and grant commitment be cancelled if a Building Permit for the project is not issued for the development by December 31, 2008.

CARRIED

3. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-07-02) - Clappison Five Six Properties Inc., (John Krpan) 30 - 42 Dundas Street East, Flamborough, ON (PED07247) (Ward 15) (Item 5.3) (Pearson/Whitehead)

(a) That ERASE Redevelopment Grant Application ERG-07-02, submitted by Clappison Five Six Properties Inc. (John Krpan), owner of the property at 30 - 42 Dundas Street East, Flamborough, ON for an ERASE Redevelopment Grant not to exceed $236,480 payable to Clappison Five Six Properties Inc. (John Krpan) over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

(b) That the City enter into an ERASE Redevelopment Agreement with Clappison Five Six Properties Inc. (John Krpan) regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 30 - 42 Dundas Street East, Flamborough, ON, with such agreement to be satisfactory to the City Solicitor.

CARRIED
4. **Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Blocks 75-78, Inclusive, 80-83, Inclusive, 86 and 87, Registered Plan 62M-1078, Glanbrook (PED07244) (Ward 11) (Item 6.1)**
   
   (Clark/Duvall)
   That approval be given to [Condominium Application 25CDM200707, “Pumpkin Pass Condos”, by 1622115 Ontario Ltd. Owner], to establish a draft plan of condominium (Common Elements Condominium) to create three condominium roads for sixty-six street townhouse dwellings on Blocks 75-78, 83-85 and 86-87, Registered Plan 62M-1078, on Fall Fair Way (Glanbrook), as shown on the attached map marked as Appendix “A” to Report PED07244, subject to the following conditions:

   (a) That this approval applies to the plan prepared by A.T. McLaren Limited, dated June 12, 2007, showing three condominium roads, attached as Appendix “B” to Report PED07244.

   (b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 464.

   (c) That the Owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 66 condominium units have legal interest, in common, to the abutting condominium road, to the satisfaction of the City Solicitor.

   (d) That the Owner shall receive final approval of Part Lot Control Applications PLC-07-23, PLC-07-024 and PLC-07-25, and the implementing By-law.

   (e) That the Owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements:

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

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

   **CARRIED**

5. **Application for Changes in Zoning for Lands Located at 101 Seabreeze Crescent, Stoney Creek (PED07243) (Ward 11) (Item 6.2)**
   
   (Pearson/Whitehead)
   That approval be given to [Zoning Application ZAC-07-034, by Frank Muraca, owner], for changes in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone; and the Single Residential “R3” Zone, in order to permit the future development of four single-detached dwellings, for lands located at 101 Seabreeze Crescent, Stoney Creek, (PED07243) (Ward 11). (Item 6.2)

   **CARRIED**
Seabreeze Crescent (Stoney Creek), shown as Blocks “1” and “2”, respectively, on Appendix “A” to Report PED07243, on the following basis:

(a) That the attached draft By-law, included as Appendix “B” to Report PED07243, 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”, Map No. 3, of Zoning By-law No. 3692-92.

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

CARRIED

6. Application for a Change in Zoning for Lands Located at 253 Golf Links Road (Ancaster) (PED07223) (Ward 12) (Item 6.3) (Ferguson/Pearson)

That approval be given to Zoning Application ZAR-07-024, Mark Cosens, owner, for a change in zoning from the Residential “R1-441” Zone to the Residential “R1” Zone, to permit two single detached dwellings on separate lots, on lands located at 253 Golf Links Road, as shown on Appendix “A” to Report PED07223, on the following basis:

(a) That the subject lands be rezoned from the Residential “R1-441” Zone to the Residential “R1” Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED07223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth and Town of Ancaster Official Plans.

(d) That the Director, Parking and By-law Services Division of the Planning and Economic Development Department require the Owner to construct a hammerhead shaped driveway on private lands at Nos. 253 and 261 Golf Links Road in the former Town of Ancaster, as a condition of issuance of Access Permits, so that vehicles can exit on to Golf Links Road in a forward manner, due to restricted sight lines.

CARRIED

7. Application to Amend the Dundas Zoning By-law No. 3581-86, for Lands Located at 81 Dundas Street (Dundas) (PED07246) (Ward 13) (Item 6.4) (Whitehead/Duvall)

That approval be given to Zoning Application ZAR-07-022, (Joe Pecaric) owner, to further modify the Residential Multiple RM2-FP/S-103 Zone, to permit 2 additional
dwelling units within an existing 6 unit apartment building on property located at 81 Dundas Street, as shown on Appendix “A” to Report PED07246, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07246, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning conforms to the Town of Dundas Official Plan and the Hamilton-Wentworth Official Plan.

CARRIED

8. 2007 Omnibus Official Plan Amendments (PED07229) (City Wide) (Item 6.5) (Clark/Pearson)
(a) That approval be given to Official Plan Amendment No. ___ of the former Regional Municipality of Hamilton-Wentworth to revise the Urban Boundary in the vicinity of Winona on Map No. 1 – Regional Development Pattern, to give effect to the Consolidated Hearings Board decision on Case No. 04-044 rendered on July 16, 2007, as shown on Schedule “A” of Appendix “A” to Report PED07229;

(b) That approval be given to Official Plan Amendment No. ___ of the former City of Stoney Creek to revise the Urban Boundary in the vicinity of Winona on Schedule “B” – Stoney Creek Open Spaces and Natural Environment System, to give effect to the Consolidated Hearings Board decision on Case No. 04-044 rendered on July 16, 2007, as shown on Schedule “M” of Appendix “A” to Report PED07229;

(c) That approval be given to Official Plan Amendment No. ___ of the former Regional Municipality of Hamilton-Wentworth to delete the portion of policy D.8.1.1 regarding urban development without full municipal services and revise policy C.4.3.1.6 regarding procedures for the protection of road rights-of-way, as shown in Section 1.A of Appendix “A” to Report PED07229, as revised by Committee on September 18, 2007, attached hereto;

(d) That approval be given to Official Plan Amendment No. ___ of the former Town of Ancaster to correct minor errors made in OPA No. 83, reword several policies and revise schedules to implement the Garner Neighbourhood Master Drainage Plan, delete and revise several policies due to the removal of school sites in the Meadowbrook West neighbourhood, redesignate lands in the Meadowbrook West neighbourhood for consistency with previous zoning permissions and for a use permitted as-of-right in one designation that is explicitly addressed by another, and redesignate City-owned land in Meadowlands Neighbourhood III to permit a fire station, as shown in Section 2 of Appendix “A” to Report PED07229;
That approval be given to Official Plan Amendment No. ___ of the former Town of Flamborough to revise Schedule “A” – Waterdown Urban Area – Land Use Plan, to correct an inconsistency, as shown on Schedule “H” of Appendix “A” to Report PED07229;

That approval be given to Official Plan Amendment No. ___ of the former Township of Glanbrook to increase the road right-of-way on a portion of Dartnall Road between Rymal Road East and Dickenson Road East, delete an unnecessary policy, and revise Schedule “B” – Binbrook Village Secondary Plan, to correct minor errors made during the process of OPA No. 52 and make changes to reflect previous zoning permissions, as shown in Section 4 and on Schedule “I” of Appendix “A” to Report PED07229;

That approval be given to Official Plan Amendment No. ___ of the former City of Hamilton to revise Schedule “A” – Land Use Concept, to make the Schedule consistent with previous zoning permissions and redesignate new City owned land in the Chedmac Secondary Plan area to “Neighbourhood Park”, as shown in Section 5 and on Schedules “J” and “K” of Appendix “A” to Report PED07229;

That approval be given to Official Plan Amendment No. ___ of the former City of Stoney Creek to delete policies that are no longer relevant, correct Schedule “A5” – Olde Towne Planning District Secondary Plan, to reflect previous zoning permissions, and revise the Schedule “A4” – Urban Lakeshore Area Secondary Plan, to reflect minor adjustments required through a plan of subdivision, as shown on Schedules “L”, “M” and “N” of Appendix “A” to Report PED07229; and,

That the General Manager, Planning and Economic Development Department, be hereby authorized and directed to prepare the requisite by-law to amend the Official Plans, in a form satisfactory to the City Solicitor, for presentation to Council.

CARRIED

9. Administrative Official Plan Amendments (PED07230) (City Wide) (Item 8.1) (Clark/Pearson)
(a) That approval be given to Official Plan Amendment No. ___ of the former Regional Municipality of Hamilton-Wentworth, Official Plan Amendment No. ___ of the former Town of Ancaster, Official Plan Amendment No. ___ of the former Town of Dundas, Official Plan Amendment No. ___ of the former Town of Flamborough, Official Plan Amendment No. ___ of the former Township of Glanbrook, Official Plan Amendment No. ___ of the former City of Hamilton, and Official Plan Amendment No. ___ of the former City of Stoney Creek, to correct numbering and typographical errors and repeal and replace information maps to implement amendments to the Niagara Escarpment Plan, attached as Appendix “A” to Report PED07230.
(b) That the General Manager, Planning and Economic Development Department, be hereby authorized and directed to prepare the requisite by-law to amend the Official Plans, in a form satisfactory to the City Solicitor, for presentation to Council.

CARRIED

10. O Valridge Drive, Ancaster
(Ferguson/Duvall)

WHEREAS, City Council on November 24, 2004 in adopting Item 13 of Report 04-021 of the Planning and Economic Development Committee approved the Real Estate Portfolio Management Strategy and Consolidation of the Policy Procedures and Disposal By-law;

AND WHEREAS, Section 4.3, “Acquisition” establishes criteria and principles surrounding acquisition of real property wherein property will only be acquired in support of municipal programs;

AND WHEREAS, preliminary discussions had taken place with the owner, Ancaster-Jerseyville Estates Ltd., who has verbally agreed with City real estate staff to sell the said lands for a sum of $2.00 and to pay the portion of the outstanding realty taxes owning for educational purposes for lands municipally known as 0 Valridge Drive, Ancaster containing 13.8 acres more or less and legally described as Block 166 on Plan 62M-831 (Jerseyville Estates) in the former Town of Ancaster, now in the City of Hamilton;

AND WHEREAS, the said lands located on the north side of Highway 403 and the east side of Shaver Road are entirely designated “Open Space and Conservation” in the Meadowbrook West Secondary Plan and form part of the Big Creek valley lands;

AND WHEREAS, the City of Hamilton presently owns adjacent lands to the north and south east of the subject Block 166 on Plan 62M-831;

AND WHEREAS, the policies of the Secondary Plan encourage the development of a linked open space system in the neighbourhood incorporating the park, elementary school, Big Creek Valley lands and pedestrian walkways through approved plans of subdivision;

AND WHEREAS, the City’s Parkland Acquisition Review Committee took this matter into consideration and recommended that the City of Hamilton proceed to obtain ownership of the property at a nominal sum;

AND WHEREAS, Council approval is required to direct the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Development Department to pursue negotiations with the owners of those lands municipally known as 0 Valridge Drive, Ancaster, legally described as Block 166, Registered Plan 62M-831 (Jerseyville Estates) in the former Town of Ancaster, now in the City of Hamilton for the
purpose of completing the open space linkage within the Meadowbrook West neighbourhood;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Development Department be authorized and directed to enter into an agreement with Ancaster-Jerseyville Estates Ltd. for the purchase of those lands municipally known as 0 Valridge Drive, Ancaster, legally described as Block 166 on Plan 62M-831 (Jerseyville Estates) in the former Town of Ancaster, now in the City of Hamilton, to be added to existing City owned open space and conservation lands within the Meadowbrook West neighbourhood, for the purchase price of $2.00 subject to Ancaster-Jerseyville Estates Ltd. paying the outstanding educational portion of the realty taxes on or before closing.

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

c) That the City Solicitor be authorized and directed to complete the real estate transaction on the terms and conditions set out herein and that any legal expenses or disbursements be charged to Account 59259-3560150100 (Land/Property).

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- one additional delegation request, which has been added as Item 4.1
- change to the order of the Agenda, respecting Item 6.3, to be heard before the Consent Items
- Item 8.2 has been removed from the Agenda, as HECFI has withdrawn their Sign Variance application
- addition of a matter respecting sidewalks in Binbrook, as Item 8.4

The Agenda for the September 18, 2007 meeting of the Economic Development & Planning Committee was approved, as amended.
(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) APPROVAL OF MINUTES (Item 3)

The September 4, 2007 Minutes of the Economic Development and Planning Committee meeting were approved, as amended.

(d) Delegation Request from Marvin Ross respecting late fees on dog licences

Committee approved a delegation request from Marvin Ross, to speak at a later meeting.

(e) Committee of Adjustment (Urban) Minor Variance Application AN/A-07:150 for the Property Known as 125 Wilson Street West, Ancaster - Supported by the Planning and Economic Development Department (PED07242) (Ward 12) (Item 5.1)

Councillor Ferguson addressed the staff report and provided an overview of the development history of the site, and the previous OMB decision on the appeal of the zoning by-law. He requested clarification of the City’s position on applications on sites which had previously been the subject of OMB Hearings. Councillor Ferguson noted that the applicant wished to reduce the size of the largest units and create additional, smaller units within the proposed building.

Staff provided additional information respecting the subject application and the previous OMB decision. Staff noted that this is a new application which must be considered on its own merits, and that while staff had supported the current application, the Committee of Adjustment had refused the applicant’s request for a variance.

Mr. Mallard explained the options outlined in the report.

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

A Motion (Ferguson/Whitehead) to adopt Option One of the staff report, and to support the decision of the Committee of Adjustment to deny the variance, was lost.

A Motion (Pearson/Pasuta) to adopt Option Three of the staff report was lost.
On a Motion (Clark/Bratina), Committee approved the original staff recommendation to receive the report.

Councillor Ferguson requested that his opposition be recorded.

(f) Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-07-02) - Clappison Five Six Properties Inc., (John Krpan) 30 - 42 Dundas Street East, Flamborough, ON (PED07247) (Ward 15) (Item 5.3)

Councillor McHattie spoke on this matter and questioned whether a City ERASE grant was really needed to develop this brownfield site, given the size and scope of the application. Councillor McHattie, seconded by Councillor Clark, proposed that staff be directed to review the eligibility requirements for ERASE grants. Staff confirmed that the ERASE grant programme is self-funding, and that the subject application meets all the eligibility requirements of the programme.

Mr. McCabe explained that the grant programme is an incentive to develop brownfield sites, and attempts to level the costs of developing brownfields versus the lower cost of Greenfield sites.

By Motion (Pearson/Clark), Committee agreed to hear from the applicant’s agent, Luc Piccioni. Mr. Piccioni addressed Committee and provided an overview of the ERASE programme, and explained that no other municipalities in North America that he was aware of, operated this type of programme on a “but for” basis. Staff confirmed that introducing a change to the policy would be complex and that the City’s numerous programmes are intended to encourage development in various areas of the market.

Mr. McCabe confirmed that there was no legal means to deny the subject application, as it met all the eligibility requirements.

Councillor Clark withdrew his support for Councillor McHattie’s Motion.

There was no other seconder.

Committee approved the staff recommendation.
(g) Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Blocks 75-78, Inclusive, 80-83, Inclusive, 86 and 87, Registered Plan 62M-1078, Glanbrook (PED07244) (Ward 11) (Item 6.1)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following:

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Peter De Iulio outlined the report to Committee.

Mike Bryan, the applicant’s agent, advised that he supported the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(h) Application for Changes in Zoning for Lands Located at 101 Seabreeze Crescent, Stoney Creek (PED07243) (Ward 11) (Item 6.2)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following:

(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.

Peter Di Iulio outlined the report to Committee.

Frank Maraca, the applicant’s agent, advised that he supported the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(i) Application for a Change in Zoning for Lands Located at 253 Golf Links Road (Ancaster) (PED07223) (Ward 12) (Item 6.3)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following:

(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.

Daniel Barnett outlined the report to Committee.

Bob Wynn, the applicant’s agent, advised that he supported the staff recommendation.

Caroline Goodenough, 1 Halson Street, Ancaster, addressed Committee and explained her concerns regarding traffic on Golf Links, the speeding which takes...
place, the difficulty of hidden driveways, the flow of water down the adjacent street and the need to protect the four existing mature trees on site.

Committee discussed the matter in detail and staff advised that two of the trees are on City property and are therefore not affected by the development.

Councillor Ferguson noted the existing Ancaster by-law which prevents the removal of trees in excess of 300 millimetres, and Mr. Wynn confirmed that the mature trees will be maintained. Committee reviewed the driveway issues. The applicant confirmed that he would have hammerhead driveways installed on both new lots, to permit cars to turn round on the lots and exit safely in a forward motion. Committee approved an appropriate amendment to the recommendation to require hammerhead driveways, and then approved the Motion, as amended.

(j) Application to Amend the Dundas Zoning By-law No. 3581-86, for Lands Located at 81 Dundas Street (Dundas) (PED07246) (Ward 13) (Item 6.4)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following:

(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 outlined the report to Committee and gave an overview of the history of the development of the site, including the OMB Hearing. Mr. Thomas explained that three letters had been received following the public circulation, expressing concerns of increased noise, traffic, over-intensification and adverse impact on existing residential properties.

Joe Pecaric, the applicant, advised that he supported the staff recommendation.

Rose Arnold, 22 Thorpe Street, addressed Committee in opposition to the rezoning, noting her serious concerns including loss of privacy, quality of life...
issues, and non-compliance with the existing OMB decision. A copy of Mrs. Arnold’s written submission was provided for the public record.

Mrs. Arnold requested that the existing OMB decision be upheld, with no changes, and that if the new application was approved, she would appeal.

Mrs. Arnold then read a letter from a neighbour, in opposition to the application, and provided a copy to the Clerk.

Werner Arnold, 22 Thorpe Street, addressed Committee in opposition to the rezoning, explaining serious concerns including over-intensification, high density, and existing problems already created by the apartment building. A copy of a petition was submitted by Mr. Arnold.

Joe Pecaric, the applicant, spoke to Committee in support of his application. He showed Committee photos of his site, and provided detailed information about the construction of his building, and the surrounding area. Mr. Pecaric explained that his parents lived in the entire main floor of the building, in barrier free accommodation, and that two of the upper units are rented to students.

Mr. Pecaric provided letters of support from adjacent residents, for the public record. He added that he experienced problems with his original builder, but that these had now been overcome, and the problems rectified.

Another neighbour addressed Committee in support of the subject application, and provided an additional letter of support.

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

Cam Thomas confirmed that the apartment building is currently in conformity with the terms of the mediated OMB settlement.

Committee approved the staff recommendation.

(k) 2007 Omnibus Official Plan Amendments (PED07229) (City Wide) (Item 6.5)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following:

(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 Official Plan is approved, 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 Official Plan is approved, 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.

Kirstin Maxwell outlined the report to Committee and explained the staff proposal to table part of the recommendation, in order to consult with the HHHBA, respecting item (c).

No members of the public came forward to address Committee.

Committee discussed the matter in detail, specifically with regard to changes in the Winona area, the Garner neighbourhood and Ancaster, as a whole.

Staff confirmed that the majority of the changes were to change wording used by the former municipalities into one standard form, to correct minor typographical and mapping errors, and correct omissions, and that this type of “housekeeping amendment” was usually done every few years.

Committee discussed the report, and had further clarification provided by staff. Councillor Clark expressed concern that Committee was faced with last minute changes to major recommendations, which did not allow proper time for their proper consideration.

Staff explained that the proposed tabling was to allow the HHHBA time to consider the policy being proposed.

Committee directed staff to check with the NEC respecting their responsibility for NEC development permits within the area of the former “Winona blob”.

Joanne Hickey-Evans confirmed she would follow this up and email the Committee.

Staff confirmed that the changes being incorporated into the Official Plan were revisions, and did not represent new policies.

Mr. McCabe confirmed that the new Official Plan should be concluded in Spring 2009.

Councillor Ferguson asked additional questions regarding the changes to policies affecting Ancaster and asked if the matter could be tabled, to allow consultation.
with his Ancaster Planning Committee. Councillor Ferguson asked for a commitment from staff that the changes respecting dry storm water ponds to wet ponds would not come back later with a large cost attached.

Mr. McCabe confirmed that this item would not come back later with a large cost attached.

Councillor Ferguson asked for a commitment from staff that no private property was being down-zoned by the changes. Staff confirmed that there was no down-zoning to private property.

The chair requested that these two commitments be recorded in the Minutes of the meeting.

No members of the public came forward to address Committee on this matter.

Councillor Ferguson moved to table the matter, pending consultation with the Ancaster Planning Committee. There was no seconder.

On a Motion (Clark/Pearson), Committee approved an amendment to Appendix A of the staff report, to add the word “new” development in Section D.8.1.1.

Committee approved the staff recommendation, as amended.

Councillor Ferguson requested that his opposition be recorded.

The Chair confirmed that the entire staff recommendation, as printed in the Agenda, had been approved, with the one amendment to Appendix A.

(l) Administrative Official Plan Amendments (PED07230) (City Wide) (Item 8.1)

Kirstin Maxwell gave a brief overview of the report.

Committee approved the staff recommendation.

(m) Appeal of Sign Variance Application SV-07-03 for the Property Known as 119 King Street West - Denied by the Acting Director, Planning Division (PED07241) (Ward 2) (Item 8.2)

The Chair confirmed that this matter had been withdrawn from the Agenda, as HECFI had withdrawn their sign variance application.
Request to Designate 397 King Street West, Dundas - Dundas District High School (Ward 13) (PED07249)

Tim McCabe introduced the subject and explained that LACAC has requested a Cultural Heritage Assessment for the building, with a view to designation. The owner of the building, the School Board, is not in agreement with designation for the building and thus the report has been brought to Committee for direction.

Sharon Vattay gave an overview of the staff report and noted that the Heritage Act does not require the agreement of the owner, before designation.

Staff explained the changes in the legislation and the Supreme Court decision respecting the Town of Lakeshore.

Committee reviewed the details of the matter, and on a Motion (Whitehead/Ferguson), directed Planning staff to obtain a legal opinion regarding the Lakeshore decision, and bring it to the Committee for review.

On a Motion (Whitehead/Ferguson), Committee tabled the staff report, to allow the report to be taken to the City-School Board Liaison Committee on September 20, 2007, for their consideration.

Sidewalks in Binbrook

Chair Mitchell explained that the staff report respecting these sidewalks, and others in Councillor Duvall’s Ward, was not yet ready for consideration by Committee. Committee agreed that in the absence of a report, the matter would be discussed later in the meeting, under “General Information”.

0 Valridge Drive, Ancaster (Item 9)

Councillor Ferguson spoke to his Motion and it was confirmed that the area in question had been conveyed to the City.

Committee approved the Motion.

General information

Chair Mitchell vacated the Chair, in order to speak on the Binbrook sidewalks matter, and it was assumed by First Vice-Chair Whitehead.

Councillor Mitchell spoke to the sidewalk policy issue and showed Committee maps of new subdivisions in Binbrook, where the residents have petitioned for sidewalks to be installed on one side of the road only. Councillor Mitchell explained the differences in sidewalk policies between the former municipalities.
Councillor Duvall explained a similar situation in his Ward, which is also being reviewed in the upcoming staff report.

Committee discussed the issue and had further information supplied by staff. Tim McCabe advised that he expects to have the report ready for the next Committee Agenda.

Chair Mitchell resumed the chair at 12:40 pm.

Councillor Clark raised concerns that an issue from the Outstanding Business List, respecting the holding of an evening public meeting to consider how public input at meetings should be addressed, was being delayed.

Mr. McCabe explained that his matter was one of the items on the Outstanding Business List, and would be addressed in due course. Chair Mitchell confirmed that the timing of the matter had been considered at a Chair Review meeting.

First Vice-Chair Whitehead expressed concerns that the use of the same numbering of houses and townhouse units on Regent Street was causing problems. Paul Mallard agreed to look into this matter and update the Committee thereafter.

(3) **News from the General Manager (Item 11.1)**

Tim McCabe gave an overview of a number of items of interest, and noted that Economic Development has launched a new website – investinhamilton.ca.

Mr. McCabe said that the Industry Education Council needs a Council representative for its Board. Councillor Pearson suggested a Motion should be put forward at Council, and that she, Councillor Ferguson and Councillor Bratina would consider it.
(s) ADJOURNMENT (Item 13)  
(Pearson/Ferguson)  
There being no further business, the Economic Development and Planning Committee adjourned at 1:15 p.m.

Respectfully submitted,

David Mitchell, Chair  
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator  
Economic Development and Planning Committee  
September 18, 2007