Economic Development and Planning Committee
REPORT 08-010
Tuesday, June 3, 2008
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer's Lane
Hamilton

Present:
Chair L. Ferguson
Mayor F. Eisenberger
Councillors: B. Bratina, B. McHattie, D. Mitchell R. Pasuta

Absent:
Councillor T. Whitehead - City Business
Councillor S. Duvall - City Business
Councillor B. Clark - vacation
Councillor M. Pearson - vacation

Staff Present:
G. Peace, City Manager
J. Rinaldo, General Manager, Finance and Corporate Services
T. McCabe, General Manager – Planning and Economic Development
B. Janssen, P. Mallard, T. Sergi, R. Marini, M. Pham, M. Blevins,
D. Barnett, G. Macdonald, H. Donison, C. Bell, D. Falletta, C. Plosz
– Planning and Economic Development
A. Zuidema, K. Kelly – Legal Services
A. Rawlings – Co-ordinator, City Clerk's Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 08-010 AND RESPECTFULLY RECOMMENDS:

1. Committee of Adjustment Severance Application HM/B-07:41 for the Property Known as 80 Lister Avenue, Hamilton - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED08135) (Ward 7) (Item 5.1)

(a) That Report PED08135, respecting Committee of Adjustment Severance Application HM/B-07:41, for the property known as 80 Lister Avenue, as shown on Appendix “A” to Report PED08135, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.

Council – June 11, 2008
(b) That Council instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee of Adjustment decision, and to retain outside professional(s).

2. Committee of Adjustment Severance and Minor Variance Applications AN/B-08:01 and AN/A-08:02 for the Property Known as 644 Mohawk Road, Former Town of Ancaster, Hamilton – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED08136) (Ward 12) (Item 5.2)

That Report PED08136, respecting Committee of Adjustment Severance Application AN/B-08:01 and Minor Variance Application AN/A-08:02, for the property known as 644 Mohawk Road, as shown on Appendix “A” to Report PED08136, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.

3. Appointment of Weed Inspectors for the City of Hamilton (PED08138) (City Wide) (Item 5.3)

(a) That the by-law attached as Appendix “A” to Report PED08138, being a by-law to appoint Weed Inspectors, be enacted.

(b) That the Ministry of Agriculture and Food be notified of the appointment of weed inspectors.

4. Hamilton LACAC (Municipal Heritage Committee) April 24, 2008 Minutes (Item 5.4(a)

That the Minutes of the April 24, 2008 Hamilton LACAC (Municipal Heritage Committee) be received.

5. Application for Approval of a Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08133) (Ward 9) (Item 6.1)

(a) That approval be given to Draft Plan of Subdivision Application 25T-200801, by Loblaw Properties Limited and Black Sail SC Limited, owners, to establish a draft plan of subdivision known as “Highgate Meadow”, on lands located within Part of Lot 25, Concession 8 (Saltfleet), in the former City of Stoney Creek, as shown on Appendix “A” to Report PED08133, subject to the following conditions:
(i) That this approval apply to “Highgate Meadow”, 25T-200801, prepared by the Odan/Detech Group., and certified by David Wilton, OLS, dated January 15, 2008, showing 70 lots (Lots 1-70) for single detached dwellings, 2 landscape buffer blocks (Blocks 71 and 72), the extension of Highgate Drive and the creation of one street (Street “A”), attached as Appendix “B” to PED08133, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED08133;

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

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

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

(b) That approval be given to Official Plan Amendment Application OPA-08-001, by Loblaw Properties Limited and Black Sail SC Limited, owners, for Official Plan Amendment No.___ of the Official Plan for the City of Stoney Creek, to amend Schedule “A”, General Land Use Plan from “Shopping Centres” to “Residential”, and Schedule “A3”, Secondary Plan - West Mountain Planning District, Heritage Green from “Community Shopping Centre” to “Low Density Residential”, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED08133, 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.

(c) That approval be given to Zoning Application ZAC-08-006, by Loblaw Properties Limited and Black Sail SC Limited, owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-21” Zone (Block 1), and from the Community Shopping Centre “SC2-2” Zone to the Single Residential “R4-21” Zone (Block 2), as shown on Appendix “A” to Report PED08133, on the following basis:
(i) That the draft By-law, attached as Appendix “C” to Report PED08133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment No. ___.

(d) That upon finalization of Official Plan Amendment No. ____ and the implementing Zoning By-law, the approved Highland Neighbourhood Plan be amended to reflect the revised designation and road pattern.

6. **Applications for an Amendment to the Township of Glanbrook Official Plan and Change in Zoning for Lands Located on Magnificent Way, Known as Part of Block 133 on Registered Plan 62M-1062 and Parts 1 and 2 on Reference Plan 62R-17951 (Glanbrook) (PED08125) (Ward 11) (Item 6.2)**

(a) That approval be given to **Official Plan Application OPA-08-002, by Losani Homes (1998) Inc., Owner**, for Official Plan Amendment No. ____, to amend Schedule ‘B’, Binbrook Village Secondary Plan, from “Drainage Channel/Public Walkway” to “Low Density Residential”, for the lands located on Magnificent Way, known as Part of Block 133 on Registered Plan 62M-1062, and Parts 1 and 2 on Reference Plan 62R-17951 (Glanbrook), as shown on Appendix “A” to Report PED08125, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08125, 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 Application ZAC-08-007, by Losani Homes (1998) Inc., Owner**, with modifications recommended by staff, for a change in Zoning from the Public Open Space “OS2” Zone to the Residential “R4-199” Zone, to permit two single detached residential dwellings to be developed on the lands located at Magnificent Way, known as Part of Block 133 on Registered Plan 62M-1062, and Parts 1 and 2 on Reference Plan 62R-17951 (Glanbrook), as shown on Appendix “A” to Report PED08125, on the following basis:
That the draft By-law, attached as Appendix “C” to Report PED08125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Township of Glanbrook upon finalization of OPA No. ____.

That approval be given to Amended Zoning Application ZAC-07-065, by Fai Nor Chin and Shee Shing Chin, owners, for a further modification to the “M-13/S-1293a” (Prestige Industrial) District, Modified, to permit additional commercial uses on the lands located at 1123, 1131 and 1135 Stone Church Road East (Hamilton), as shown on Appendix “A” to Report PED08134, on the following basis:

That approval be given to Zoning Application ZAR-07-092, By Shantar Investments, owner, for a modification to the Light Industrial “M3” zone to permit office space as an additional use, for lands located at 611 Tradewind Drive, as shown on Appendix “A” to Report PED08121, on the following basis:

That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.
9. **New Hamilton Private Tree and Woodland Conservation By-law and Tree Protection Policy (PD02229(b)) (City Wide) (Item 7.1)**

(a) That the Economic Development and Planning Committee receive Report PD02229(b) and Draft Hamilton Private Tree and Woodland Conservation By-law, attached as Appendix “A” to Report PD02229(b), and Draft Tree Protection Guidelines, attached as Appendix “B” to Report PD02229(b).

(b) That the Economic Development and Planning Committee direct staff to seek public input on the attached Draft Hamilton Private Tree and Woodland Conservation By-law, attached as Appendix “A” to Report PD02229(b), through the public consultation process outlined in Report PD02229(b) including, but not limited to:

(i) Four Public Open Houses;
(ii) Presentations to stakeholders; and,
(iii) Inclusion on the City’s website.

(c) That the Economic Development and Planning Committee direct staff to seek public input on the attached Draft Tree Protection Guidelines, attached as Appendix “B” to Report PD02229(b), through the public consultation process outlined in Report PD02229(b) including, but not limited to:

(i) Four Public Open Houses;
(ii) Presentations to stakeholders; and,
(iii) Inclusion on the City’s website.

(d) That staff report back to the Economic Development and Planning Committee by December 2008 to provide the results of the public consultation process together with appropriate recommendations respecting the Draft Hamilton Private Tree and Woodland Conservation By-law and Draft Tree Protection Guidelines.

(e) That the costs for enforcement (i.e. staff, equipment, staff training) of the Draft Hamilton Private Tree and Woodland Conservation By-law be brought to Economic Development and Planning Committee as part of the 2009 Budget approval process.

10. **2008 Green Venture Base Funding & Authority to Enter into Agreements (PED08140) (City Wide) (Item 8.2)**

(a) That the City renew its agreement to provide base funding for Hamilton-Wentworth Green Venture Incorporated (Green Venture) in the amount of $40,000 per year, for the 2008 budget year.
(b) That Planning and Economic Development Department staff be authorized and directed to enter into agreements with Hamilton-Wentworth Green Venture Incorporated (Green Venture), to deliver projects to further Clean Air Hamilton strategic objectives, as outlined in individual project agreements, with each project agreement not to exceed $15,000, and with the total value of the agreements not to exceed the funding approved in the annual budget process.

11. Hamilton Downtown Residential Loan Program – Transfer of Loan 118 Market Street, Hamilton (PED08132(a)/FCS08039(a)) (Ward 2) (Item 8.3(b)

(a) That upon the sale of 118 Market Street by the Wilshire Group Inc. to 118 Market Street Limited Partnership, the outstanding loan balance under the Hamilton Downtown Residential Loan Program registered as a second mortgage on title be discharged subject to the following conditions:

i) that all outstanding property taxes, together with the full 2008 property taxes are paid in full prior to the execution of the new Loan Agreement;

ii) that the City receive a payment of $302,667.00 against the outstanding loan balance in order to bring the total outstanding loan amount to $1,500,000;

iii) that the balance of the loan outstanding at the end of the eighteen-month period in the amount of $1,275,000 be due and payable;

iv) that a new Loan Agreement be entered into with the new owner as per the terms and conditions of the loan program;

v) that the former owner guarantee the loan; and,

vi) that the grant under the Enterprise Zone (EZ) continue so long as the Wilshire Group Inc. has an ownership interest in 118 Market Street Limited Partnership;

vii) that the grant under the Enterprise Zone (EZ) be cancelled upon the Wilshire Group Inc. vacating the property and 118 Market Street Limited Partnership commencing the operation of a retirement home from the premises.

(b) That immediately upon closing with the purchase of 118 Market Street by 118 Market Street Limited Partnership, a second mortgage in the amount of $1,500,000.00 be registered on title and, that monthly repayments in the amount of $12,500.00 continue for an eighteen-month period.
(c) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and required security documentation in a form satisfactory to the City Solicitor.

(d) That the General Manager of the Planning and Economic Development Department be authorized to approve up to a six-month extension of the loan repayment over and above the eighteen-month period.

(e) And that Report PED08132/FCS08039 be received for information purposes, and that no further action be taken upon it.

12. Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 625 Garner Road East (Ancaster) (PED08123) (Ward 12) (Item 8.4)

(a) That approval be given to Subdivision Application 25T-200711, by Mattamy (Southcote) Limited, Owner, to establish a draft plan of subdivision on the property located at 625 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED08123, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-200711, prepared by Mattamy Homes, and certified by S.D. McLaren, O.L.S., dated September 6, 2007, showing 28 blocks (Blocks 2-11, 13-27 and 30 to 32) for single detached dwellings, 1 block (Block 1) for townhouses, 1 block (Block 12) for a parkette, 1 block (Block 29) for storm water management, 1 block (Block 28) for a walkway, 2 blocks (Blocks 33 and 34) for road widenings, and the creation of 6 new streets (Streets “A” to “F”) and the extension of Roelfson Drive, Barnacle Crescent and Moorland Crescent, attached as Appendix “B” to Report PED08123, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “F” to Report PED08123, and as modified by Committee respecting condition 24, which now requires that the park be completed within 12 months of the registration of the subdivision, and;

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

(1) The share of the costs for the construction of aboveground and underground works required along the park frontage (Block 12). For surface works, the City share shall be based on the New Roads Servicing Rate;
(2) 50% of the cost for the chain link fence required between the residential lots and the lands being transferred to the City as parkland (Block 12) in accordance with the current financial policy;

(3) The difference in price between a 1.5 metre high black vinyl chain link fence and a 2.4 metre high board-on-board privacy fence abutting 661 Garner Road East (the owner’s contribution shall be equivalent to the cost of a 1.5 metre high black vinyl chain link fence);

(4) The storm water management facility from an approved Capital Budget Source. Cost sharing by the City shall be based on as-constructed costs, including lands, to an upset limit of $581,840.00, as approved by the City following completion of the pond. However, it should be noted that engineering staff are currently reviewing a cost allocation report for the storm water management facility, submitted by the Owner, requesting that the upset limit mentioned in the previous paragraph be increased in their favour.

(5) 50% of the cost of top coarse asphalt required on Kitty Murray Lane in accordance with the current financial policy;

(6) That the applicant make a one-time payment of $10,000 towards the installation of traffic lights at the intersection of Kitty Murray Lane and Garner Road East; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and the maximum permitted density for Block 1 minus the land credit related to the conveyance of Block 12;

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

(b) That approval be given to **Official Plan Amendment Application OPA-07-018, by Mattamy (Southcote) Limited, Owner**, to amend Schedule ‘B’, Land Use – Urban Area Plan from “Institutional” to “Residential”; to amend Map “1”, Meadowlands Neighbourhood III Secondary Plan from “Neighbourhood Park” to “Low Density Residential 2”, from “Low Density Residential 1” to “Low Density Residential 2”, from “Medium Density Residential 1” to “Low Density Residential 2” and “Storm Water Management”, from “Low Density Residential 2” to “Parkette” and “Medium Density Residential”, and to revise the Legend to add a “Parkette” designation and to delete the Legend entry “Medium Density Residential 1” and replacing it with “Medium Density Residential”; to amend Map “2”, Meadowlands Neighbourhood III – Special Policy Areas by deleting the
“Ancaster Fairgrounds” Special Policy Area; to amend Subsection 6.6.11(a) by adding a new Subsection (v) “A Parkette”; to amend the table in Subsection 6.6.6 (d) such that the Maximum Gross/Net Density (Units/Ha) for the “Medium Density” designation is revised from “50” to “55”; and, to amend Subsection 6.6.12 to delete the words “two Special Policy areas consisting of the Ancaster Fairgrounds, and an area” and replace with the words “one Special Policy Area” and to delete Subsections (a), (b), (c) and (d) from Subsection 6.6.12, on lands located at 625 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED08123, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “C” to Report PED08123, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and confirms to the Hamilton-Wentworth Official Plan.

(c) That approval be given to Zoning Application ZAC-07-072, by Mattamy (Southcote) Limited, Owner, for a change in zoning from the Public “P” and “P-391” Zones to the Residential “R4-572” Zone (Block “1”), the Residential “R4-573” Zone (Block “2”), the Residential “R4-574” Zone (Block “3”), the Neighbourhood Park (P1) Zone (Block “4”), the Open Space (P4) Zone (Block “5”), the Conservation/Hazard Land (P5) Zone (Block “6”), and the Residential Multiple “RM2-575” Zone (Block “7”), for lands located at 625 Garner Road East, as shown on Schedule “A” of Appendix “D” to Report PED08123, on the following basis:

(i) That the revised draft By-law, provided by staff to Committee, on June 3, 2008, as Appendix “D” (revised) to Report PED08123, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57.

(iii) That the draft By-law, attached as Appendix “E” to Report PED08123, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map No. 1336 and 1337 of Zoning By-law No. 05-200.

(v) That the proposed changes in zoning will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. ____.
(d) That upon finalization of the implementing By-laws, the Meadowlands Neighbourhood III Secondary Plan be revised to reflect the changes in road pattern.

13. Item 12.1 Waterdown Bay Ltd (Added item 12.1)

That Council authorize planning staff to prepare appropriate conditions for the draft plan of subdivision and to prepare a draft zoning by-law respecting Waterdown Bay, for presentation at the upcoming Ontario Municipal Board hearing in July, 2008.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

Two added In-Camera items, respecting matters before the OMB – Waterdown Bay, Dundas Street, Waterdown, and Flying J, South Service Road, Stoney Creek.

The Agenda for the June 3, 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 May 20, 2008 Minutes of the Economic Development and Planning Committee meeting were approved, as presented.

(d) Committee of Adjustment Severance Application HM/B-07:41 for the Property Known as 80 Lister Avenue, Hamilton - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED08135) (Ward 7) (Item 5.1)

On a Motion, the matter was tabled until Legal staff was present.
When Legal staff was present, Committee then reviewed the issues in the staff report. In consideration of the need to maintain the character of the area, decided to support the Committee of Adjustment decision to deny the severance, being Option 1 in the staff report.

(e) Application for Approval of a Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08133) (Ward 9) (Item 6.1)

A Public Meeting was held.

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

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and the draft plan of subdivision and before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

On a Motion (Mitchell /Pasuta), Committee agreed to forgo the staff presentation.

Chris Bell was present to assist Committee with the report.

The applicant’s agent, Michelle Doornbosch, Zulinka Priamo Ltd., advised Committee that she supported the staff recommendation.

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

Committee approved the staff report.
Applications for an Amendment to the Township of Glanbrook Official Plan and Change in Zoning for Lands Located on Magnificent Way, Known as Part of Block 133 on Registered Plan 62M-1062 and Parts 1 and 2 on Reference Plan 62R-17951 (Glanbrook) (PED08125) (Ward 11) (Item 6.2)

A Public Meeting was held.

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

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and the draft plan of subdivision and before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Melanie Pham outlined the report to Committee and explained the history of the subject site, and how its use as a storm water area was no longer needed. She noted that two letters of opposition had been received following the circulation of the application. The opposition was based on the purchase of homes opposite an open space area, which was now to be changed; loss of view and potential decrease in property value. She explained how the houses would be sited on the new lots to maintain the views from the existing homes.

Paul Moore, Armstrong Hunter, advised that he supported the staff recommendation.

Henry Merling, agent for Mr. and Mrs. Rush, 66 Magnificent Way, addressed Committee in opposition to the rezoning application. He noted that their house purchase had been based on the fact that the subject property was an open space for storm water management and a walkway, and that they were totally opposed to its development for housing.

The Chair thanked Mr. Merling.
No other members of the public came forward to address Committee.

Councillor Mitchell agreed that the storm water management in the area had changed over time, and that while he had sympathy for Mr. and Mrs. Rush, the development of the subject area for a park was not viable. He praised the planners for their careful consideration of the zoning, with the adjustments made to lessen the impact on the houses, and said that the character of the area would be maintained.

Committee approved the staff recommendation.

(g) Application for a Modification in Zoning for Lands Located at 1123, 1131 and 1135 Stone Church Road East (Hamilton) (PED08134) (Ward 6) (Item 6.3)

A Public Meeting was held.

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

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (McHattie/Bratina), Committee agreed to forgo the staff presentation.

Chair Ferguson noted that a letter from DiCenzo Associates, respecting the matter, had been distributed.

Glen Wellings, the applicant’s agent, addressed Committee in support of the application and agreed with the staff recommendation. He noted that the letter from DiCenzo Associates related to commercial competition, and that this was not a planning reason for opposition.
Mr. Wellings also noted that the application does not represent a conversion to commercial, as it is permitted in the Official Plan.

No members of the public came forward to address Committee.

Chair Ferguson advised that the Ward Councillor, Tom Jackson, supported the subject application.

David Falletta was present to assist Committee with the application. Mr. Falletta confirmed that the existing Business Park designation for the subject site in the Regional Official Plan permits commercial uses, provided that these are permitted in the Local Official Plan. He confirmed that this is the case here.

Committee approved the subject application.

Chair Ferguson welcomed Mayor Eisenberger, who was using a wheelchair for the day, as part of a promotion for Wheels in Motion on June 8, 2008.

Mayor Eisenberger introduced his wheelchair guide, Anthony Frisina, and Committee welcomed Mr. Frisina.

The Mayor explained that Mr. Frisina would help him through the day, and that he would experience first hand getting around the City in a wheelchair and would gain a better understanding of issues that people living with spinal cord injury face every day.

(h) Application for a Modification in Zoning for the Lands Located at 611 Tradewind Drive (Ancaster) (PED08121) (Ward 12) (Item 6.4)

A Public Meeting was held.

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

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
On a Motion (McHattie/Mitchell) Committee agreed to forgo the staff presentation.

Matthew Blevins was present to assist Committee.

Gary Sohol, the applicant, advised Committee that he supported the application.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(i) **New Hamilton Private Tree and Woodland Conservation By-law and Tree Protection Policy (PD02229(b)) (City Wide) (Item 7.1)**

Cathy Plosz gave an overview of the staff report with the aid of a powerpoint presentation. Copies of her presentation were provided to Committee.

Ms Plosz explained the background to the report, and noted that staff was seeking authorization to go out for public input and comment on the matter, before returning to Committee with a recommendation.

She noted that the current draft includes previous public comments, and that while comments from urban residents had generally been in favour of more controls, comments from rural residents had wanted less control.

Ms Plosz then outlined the separate, but related, Tree Protection Guidelines.

Committee discussed the presentation and had additional information supplied by staff. In response to questions from Councillor McHattie, Ms Plosz explained that the Province does have tax relief programmes for owners of wooded areas, but these relate mainly to large land holdings and they are generally not well publicized. Staff was directed to send all Committee members a note explaining these programmes, and to include information regarding them in the upcoming public information sessions.

Committee discussed the matter further, and the following points were raised.

- City has 17% forest cover now, goal is 30%
- Draft by-law partly modeled on former Town of Ancaster By-law
- City does not have heritage tree lists
- Is fencing required where a City-owned wooded area abuts a privately-owned treed area, and if not, can this be considered?
Staff agreed to consider the issue of heritage tree lists and the issue respecting fencing between public/private wooded areas.

Committee approved the staff recommendation.

(j) Pete Wobschall, Green Venture, respecting their annual review of activities and City partnership programmes (delegation approved by Committee on April 15, 2008) (Item 8.1)

Pete Wobschall addressed Committee with the aid of a powerpoint presentation and provided Committee with an overall review of the activities of Green Venture. He explained that Green Venture is a not-for-profit environmental group, which is non-advocacy.

Mr. Wobschall highlighted their public outreach programmes, many of which are designed to alter behaviours over the longer term, and the way in which City funding is stretched, by partnering with other groups, organizations and levels of government.

He thanked the City for all their support and noted that since the group was created in 1995, they have continued to grow and expanded their range of activities.

Committee discussed the presentation, and thanked Green Venture for their positive, environmental work.

Committee noted the slide in the presentation relating to the City grants to Green Venture. Staff and the speaker confirmed that Audit and Administration Committee had recently passed a resolution which would change the way in which Green Venture funding was provided, from individual projects within various departmental budgets, to a lump sum, line item. This would allow better control and evaluation in the future.

Councillor Mitchell raised questions about the slide showing “Hamilton area Eco-Network, Ontario Trillium Foundation, Members Groups”. He asked if there was a breakdown of the dollar figure that the City provided to each group.

On a Motion (Mitchell/Pasuta), staff was directed to review the funding amounts to each of the groups mentioned in the slide, and report back to Committee with the dollar value of grants from the City to each of these groups.

Councillor McHattie noted his opposition to the Motion.
(k)  2008 Green Venture Base Funding & Authority to Enter into Agreements (PED08140) (City Wide) (Item 8.2)

Heather Donison was present to assist Committee with the issue.

Committee approved the staff recommendation.

(l)  Hamilton Downtown Residential Loan Program – Transfer of Loan 118 Market Street, Hamilton (PED08132/FCS08039) (Ward 2) (Item 8.3(a))
- Hamilton Downtown Residential Loan Program – Transfer of Loan 118 Market Street, Hamilton (PED08132(a)/FCS08039(a)) (Ward 2) (Item 8.3(b))

Chair Ferguson noted that an added communication from Augusta & James Ltd. had been received last night and distributed this morning.

On a Motion (Bratina/McHattie), Committee waived the rules and agreed to hear a delegation from Walter Jazvac, representing Augusta & James Ltd.

Mr. Jazvac addressed Committee and spoke to his handout, a copy of which will be retained for the public record. He outlined his concerns respecting the subject application, and emphasized that the City’s Residential Loan Programme had not been intended for this kind of use, and that it represented an end-run on the loan programme.

Committee discussed the issues raised and had additional information supplied by the speaker.

The Chair thanked the speaker.

Ron Marini gave an overview of the matters which had transpired since the original staff report was withdrawn from the Committee Agenda on May 20, 2008.

He explained that staff had re-worked the report and had tightened up and improved on various aspects of the recommendation.

Additional revisions had been made, and the Clerk provided copies of the proposed amendments to the revised staff report. Mr. Marini said that the subject application fulfils the objectives of the original Downtown Plan.

Joe Rinaldo addressed Committee and provided further detail on the revisions to the Recommendations. He noted that the loan had already been paid down by $300,000, and that the entire loan would be repaid in 2009, instead of 2011, as originally agreed.
Mr. Rinaldo confirmed that while the City lends from its reserves, and is required to pay back the appropriate amounts, the programme is successful and brings in added tax revenue.

By Motion, (McHattie/Bratina) Committee approved the following amendment;

That Recommendations a); a) ii; a) iii; a) iv; a) v; a) vi; and b) of the above-mentioned report be deleted and replaced by the following;

(a) That upon the sale of 118 Market Street by the Wilshire Group Inc. to 118 Market Street Limited Partnership, the outstanding loan balance under the Hamilton Downtown Residential Loan Program registered as a second mortgage on title be discharged subject to the following conditions:

ii) that the City receive a payment of $302,667.00 against the outstanding loan balance in order to bring the total outstanding loan amount to $1,500,000;

iii) that the balance of the loan outstanding at the end of the eighteen-month period in the amount of $1,275,000 be due and payable;

iv) that a new Loan Agreement be entered into with the new owner as per the terms and conditions of the loan program;

v) that the former owner guarantee the loan; and,

vi) that the grant under the Enterprise Zone (EZ) continue so long as the Wilshire Group Inc. has an ownership interest in 118 Market Street Limited Partnership;

vii) that the grant under the Enterprise Zone (EZ) be cancelled upon the Wilshire Group Inc. vacating the property and 118 Market Street Limited Partnership commencing the operation of a retirement home from the premises.

(b) That immediately upon closing with the purchase of 118 Market Street by 118 Market Street Limited Partnership, a second mortgage in the amount of $1,500,000.00 be registered on title and, that monthly repayments in the amount of $12,500.00 continue for an eighteen-month period.

Committee then approved the Motion, as amended.
Chair Ferguson advised the meeting that an added submission from Brian and Rosemarie McCutcheon, had been distributed this morning, as well as a letter from Mattamy Homes. He confirmed that when the matter was referred back to staff, Committee had already approved two amendments to the staff recommendation, as follows:

(a) That condition 24, in Appendix A, be amended, such that the park shall be completed within 12 months of the registration of the subdivision.

(b) That a traffic signal be installed at the intersection of Kitty Murray Lane and Garner Road East.

Greg Macdonald outlined the activity which had transpired since the last meeting. He confirmed that Mattamy had withdrawn their request for further zoning changes in the townhouse block facing Garner, were in agreement with the revised condition 24, respecting the park completion, and that staff had revised the by-law appropriately.

Tony Sergi provided the information that Mattamy had agreed to give the City a one-time payment of $10,000 towards the installation of the traffic lights at Kitty Murray and Garner. Mr. Sergi explained that when the EA is complete, the results may identify the need for a traffic light or roundabout at this junction.

On a Motion (Mitchell/Pasuta), the following amendment was approved:

That Mattamy Homes make a one-time payment of $10,000 to the City towards the cost of installation of traffic signals at the Kitty Murray Lane and Garner Road intersection.

Chair Ferguson vacated the Chair to Councillor Mitchell, in order to speak on the item.

Councillor Ferguson, noted his relief that Mattamy had abandoned its proposed changes to the townhouse zoning. He said that he agreed with the points raised in the McCutcheon letter, but that the direct link to Southcote was not possible here, although Roelfson can now be connected to the subdivision. He also noted the need to install traffic lights at Kitty Murray and Garner now, and that a roundabout would be costly in terms of land acquisition. He noted his support for the application as now revised.

Councillor Ferguson then resumed the Chair.
On a Motion, Committee approved the staff recommendation, as amended.

(n) Motions (Item 9)

None

(o) Notices of Motion (Item 10)

None

(p) General Information (Item 11)

- Natural Areas Protection Fund (no copy) (from Outstanding Business List, due date May 20, 2008) (Item 11.1)

Paul Mallard provided an update on the item, and noted that various changes made to the Municipal act had altered the situation. Staff advised that a report from staff would be forthcoming in early Fall.

- News from the General Manager

None today.

(q) PRIVATE AND CONFIDENTIAL (Item 12)

Waterdown Bay, Dundas Street, Waterdown, Flying J, South service Road, stoney Creek-OMB Appeal (Added Items 12.1 and 12.2)

On a Motion (Pasuta/Mitchell), Committee moved into Closed Session, at 11:50 am, to consider matters pursuant to Section 239 of the Municipal Act, 2001, respecting the following:

(a) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting the appeals by Waterdown Bay and Flying J to the Ontario Municipal Board.

At 12:05 pm, on a Motion (Pasuta/Mitchell), Committee reconvened in Open Session.
The meeting was advised that Committee had met in Closed Session with regard to the two items, and that staff direction had been given regarding the Flying J.

Committee passed a Motion respecting Waterdown Bay.

(r) ADJOURNMENT (Item 13)

On a Motion, the Economic Development and Planning Committee adjourned at 12:10 p.m.

Respectfully submitted,

Lloyd Ferguson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
June 3, 2008