Economic Development and Planning Committee

AMENDED REPORT 09-008

Tuesday, April 7, 2009
9:30 am
Albion Room
Hamilton Convention Centre
1 Summer’s Lane, Hamilton

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

Absent: Councillor Clark - vacation

Staff Present: T. McCabe, General Manager – Planning and Economic Development
P. Mallard, T. Sergi, B. Janssen, J. Spolnik, M. Hazell, A. Fletcher,
B. Khes, K. Anderson, M. Blevins, J. Lane – Planning and Economic Development
S. Brown - Public Health
A. Zuidema, D. Fisher - Legal
A. Rawlings, Co-ordinator - City Clerk’s Office

AT THEIR MEETING OF APRIL 15, 2009, COUNCIL AMENDED ITEM 9, AS FOLLOWS;

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 09-008 AND RESPECTFULLY RECOMMENDS:

1. Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, for the Property Located at 92 Strathhearne Place, Glanbrook - Supported by the Planning and Economic Development Department (PED09061) (Ward 11) (Item 5.1)

(a) That Council support the applicant’s appeal against the Committee of Adjustment’s decision to refuse, and direct Legal Services to attend the Ontario Municipal Board Hearing in support of the application and to use City Planning staff as its professional witness.

Council – April 15, 2009
(b) That Report PED09061, respecting Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, 92 Strathearn Place, Glanbrook, as shown on Appendix “A” to Report PED09061, denied by the Committee, but supported by the Planning and Economic Development Department, be received for information.

2. Demolition Permit – 8 Oriole Avenue (Stoney Creek) (PED09085) (Ward 11) (Item 5.2)

That the Director of Building Services be authorized and directed to issue a demolition permit for 8 Oriole Avenue (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

3. Demolition Permit – 27 Albany Avenue (Hamilton) (PED09091) (Ward 4) (Item 5.3)

That the Director of Building Services be authorized and directed to issue a demolition permit for 27 Albany Avenue in accordance with By-Law 08-226 pursuant to 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;

(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;

(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;

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

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

4. Demolition Permit – 63 East 39th Street (PED09093) (Ward 6) (Item 5.4)
That the Director of Building Services be authorized and directed to issue a demolition permit for 63 East 39th Street in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

5. Demolition Permit – 78 Birge Street (PED09094) (Ward 3) (Item 5.5)

That the Director of Building Services be authorized and directed to issue a demolition permit for 78 Birge Street in accordance with By-Law 08-226 pursuant to 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;

(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;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year limit, that the City be paid the sum of $20,000;

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

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

6. Annual Report on Building Permit Fees (PED09095) (City Wide) (Item 5.6)

That Report PED09095, Annual Report on Building Permit Fees, be received for information.

7. (a) Hamilton Municipal Heritage Committee Minutes, February 26, 2009 (Item 5.7(a))

That the Minutes of the Hamilton Municipal Heritage Committee meeting of February 26, 2009 be received.

(b) Economic Development Advisory Committee Minutes, December 4, 2008 (Item 5.7(b)

Council – April 15, 2009
That the Minutes of the Economic Development Advisory Committee meeting of December 4, 2008 be received.

8. Application for a Change in Zoning for the Lands Located at 153 Highway 52 (Flamborough) (PED09084) (Ward 14) (Item 6.1)

That approval be given to Zoning Application ZAR-08-042, by Dr. Alyssa Libstug, Owner, for a change in zoning from the Agricultural “A” Zone to the Agricultural “A-86” Zone, Modified, in order to permit the establishment of a Large Animal Hospital on the lands located at 153 Highway 52, as shown on Appendix “A” to Report PED09084, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09084, which has been prepared in a form satisfactory to the City Solicitor, as amended by Committee on April 7, 2009, be enacted by City Council.

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

TITLE AMENDED TO READ AS FOLLOWS:

PARKLAND DEDICATION/CASH-IN-LIEU: OFFICIAL PLAN AMENDMENT, NEW IMPLEMENTING BY-LAW AND POLICY (PE09028(A)) (CITY WIDE)

THAT ITEM 9 (i)(ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 09-008 RESPECTING PARKLAND DEDICATION BE REFERRED BACK TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE.

9. Referral back to Legal and Planning staff Regarding Parkland Dedication / Cash-in-Lieu: Official Plan Amendment, New Implementing By-law and Policy (PED09028(a)) (City Wide) (Item 6.2)

(a) That approval be given to the following Official Plan Amendments, as modified by Committee on April 7, 2009, to maintain the 5% parkland dedication fees paid by schools, attached as Appendix “A” to Report PED09028:

(i) No. to the Official Plan of the former Town of Ancaster to modify the existing parkland dedication policies to provide consistent wording in all local Official Plans, and to allow the City some additional flexibility to determine parkland dedication rates;

(ii) No. to the Official Plan of the former Town of Dundas to modify the existing parkland dedication policies to provide consistent wording in all
local Official Plans, and to allow the City some additional flexibility to
determine parkland dedication rates;

(iii) No. to the Official Plan of the former Town of Flamborough to modify
the existing parkland dedication policies to provide consistent wording in
all local Official Plans, and to allow the City some additional flexibility to
determine parkland dedication rates;

(iv) No. to the Official Plan of the former Township of Glanbrook to modify
the existing parkland dedication policies to provide consistent wording in
all local Official Plans, and to allow the City some additional flexibility to
determine parkland dedication rates;

(v) No. to the Official Plan of the former City of Hamilton to modify the
existing parkland dedication policies to provide consistent wording in all
local Official Plans, and to allow the City some additional flexibility to
determine parkland dedication rates;

(vi) No. to the Official Plan of the former City of Stoney Creek to modify the
existing parkland dedication policies to provide consistent wording in all
local Official Plans, and to allow the City some additional flexibility to
determine parkland dedication rates; and,

(vii) That the above-noted draft Official Plan Amendments be adopted by
Council, subject to the following modification:

That an administrative change be made to the applicable sections of
Appendix “A” to Report PED09028 dealing with lands that are deemed
acceptable for parkland dedication, and secondly, lands to be excluded
from the net land area in the calculation of parkland dedication, by
renumbering to reflect two distinct policies instead of two parts of one
policy.

(b) That City Council direct staff to schedule a Public Meeting to amend the new
Rural Hamilton Official Plan, in the form shown in Appendix “B” to Report
PED09028, and as modified by Committee on April 7, 2009, to maintain the 5%
parkland dedication fees paid by schools, to modify the parkland dedication
policies, to provide consistent wording in all local Official Plans, and to allow the
City some additional flexibility to determine parkland dedication rates.

(c) That the Draft Parkland Dedication and Cash-in-Lieu of Parkland By-law, as
modified by Committee on April 7, 2009, to maintain the 5% parkland dedication
fees paid by schools, attached as Appendix "C" to Report PED09028, which has
been prepared in a form satisfactory to the City Solicitor, be approved subject to
the modifications noted below, but not be forwarded to City Council for
enactment until the Official Plan Amendments identified in Recommendations (a) and (b) are final and binding.

(i) That Section 1. Definitions of Appendix “C” to Report PED09028 be amended by adding the following new definition:

“Street Townhouse Dwelling” is the same definition as in Zoning By-law 05-200.”

(ii) That Section 3.(1)b.ii. Development of Appendix “C” to Report PED09028 be amended by adding a new sentence at the end of the clause so that it shall read as follows:

“ii. at a density of 20 units per hectare to 75 units per hectare, dedication of land at a rate of 1.0 hectare of the Net land area for each 300 dwelling units proposed, except for street townhouse dwellings which shall be at a land dedication rate of 0.6 hectare of the Net land area for each 300 dwelling units proposed”.

(iii) That Section 7. AFFORDABLE HOUSING of Appendix “C” to Report PED09028 be deleted, and subsequent sections renumbered accordingly and all references thereto.

(iv) That Section 11. EXEMPTIONS of Appendix “C” to Report PED09028 be amended by adding the following new clause:

“Development or redevelopment of eligible affordable housing projects, as confirmed by the City of Hamilton Housing Division, Community Services Department. Eligibility will be determined based on final confirmation by the Housing Division of funding approval from a Housing Program administered by the City.”

(d) That the Draft Parkland Dedication and Cash-in-Lieu of Parkland By-law, as modified by Committee on April 7, 2009, to maintain the 5% parkland dedication fees paid by schools, attached as Appendix “C” to Report PED09028, will be in conformity with Official Plans for the Towns of Ancaster, Dundas, and Flamborough, the former Township of Glanbrook, the former Cities of Hamilton and Stoney Creek, and the new Rural Official Plan upon finalization of Official Plan Amendments identified in Recommendations (a) and (b).

(e) That amendments to the existing Parkland Dedication and Cash-in-Lieu of Parkland Policy, in the form and content attached as Appendix “D” to Report PED09028, be adopted by Council, subject to the following modifications:
(i) That Section **5.d Appraisal Process** of Appendix “D” to Report PED09028, be amended by adding a new sentence at the end of the existing Clause i. so that it shall read as follows:

“Should the developer disagree with the City’s value, then:

i. The Developer shall retain an appraiser, at his/her expense, to undertake the appraisal of land value. *The terms of reference and assumptions made with respect to the appraisal shall be consistent with this Parkland Dedication and Cash-in-Lieu of Parkland Policy and the Parkland Dedication By-law.*"

(ii) That Section **5.e Cash-in-Lieu Estimates** of Appendix “D” to Report PED09028, be amended by adding the following new clause:

“ii. For the purpose of valuation of land as at the day before the day of building permit issuance, it shall be assumed that the site is serviced and physically suitable for the development proposed, interpreted to mean that site remediation, major re-grading, and drainage works have been satisfactorily completed”.

(f) That Items A.1 and A.2, relating to the Parkland Dedication By-law/Policy, be identified as completed and be removed from the ED&P Committee’s Outstanding Business List.

(g) That Reports PED09028 and PED09028(a) be received.

(h) That no action be taken on the request by Dundurn Edge Developments Inc. that a parkland dedication fee of 5% of the purchase price of the property be applied to its development project at 85 Robinson Street (the Thistle Club).

(i) That in order to provide an economic stimulus to high density residential development, at or greater than 120 units per hectare, the Parkland Dedication Rate be reduced from 0.5 ha/300 units to 5% of the land area, conditional on a Building Permit being issued in 2009 or 2010.

(j) That the parkland dedication rate for all schools be maintained at the 5% rate pending completion and consideration of an improved, comprehensive decision-making process on disposition of surplus school sites."

10. **Hamilton Launch of BizPal (Part of One-Stop Shopping Initiative) (Item 7.1)**

That the staff presentation respecting Biz-Pal be received
11. **Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide) (Item 8.1)**

(a) That Report PED09082 respecting Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton be received for information.

(b) That Council direct staff to develop zoning regulations and revisions to the site plan guidelines, to better regulate drive-through design, reduce conflicts with pedestrians and adjacent residential and institutional uses, provide adequate on-site parking and avoid stacking of vehicles onto City roads.

(c) That Council direct staff to bring forward zoning regulations and design guidelines related to Recommendation (b) outlined above, in the Fall of 2009, as part of the new Comprehensive Zoning By-law Commercial Zones currently being developed.

(d) That the relevant item be identified as complete and be removed from the Economic Development and Planning Committee Outstanding Business list.

12. **Improvements to the Building Permit Inspection and Enforcement Processes (PED09083) (City Wide) (Item 8.2)**

(a) That Report PED09083, which summarizes proposed enforcement initiatives and operational protocol to be implemented by the Building Inspection Section of the Building Services Division to deter non-permitted construction of buildings and other designated structures in Hamilton be endorsed.

(b) That the item respecting Building Permit Process be identified as complete and removed from the Economic and Development Planning Committee’s Outstanding Business List.

13. **OMB Hearing Respecting Setting Sail – Rakovac Property on Bay Street North**

That the City of Hamilton supports a late 2009, OMB Pre-Hearing to be convened by the Board, respecting property owned by Marino Rakovac, Bay Street North, upon being advised by the City of Hamilton that a decision concerning the location of facilities in Hamilton for the 2015 Pan Am Games has been made.

14. **Appointment of Additional Members to the Economic Development Advisory Committee (Added Motion)**
That Councillors Ferguson and Bratina be appointed to the Economic Development Advisory Committee

15. Hamilton Trees and Parks Foundation (Added Motion)

That the Outstanding Business List item respecting the direction to staff to work with the Hamilton Trees and Parks Foundation be transferred to the Public Works Department, with a recommendation that they report to the Public Works Committee, respecting this item.

16. St. Marks Church, Bay Street South (Added Motion)

That the Outstanding Business List item respecting St. Marks Church be transferred to the Culture Division of recreation Services, with a recommendation that they report to the Emergency and Community Services Committee, respecting the future use of the property

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

Three added delegation requests to be considered as Items 4.2, 4.3, 4.4

One added In Camera Item, respecting the Setting Sail OMB hearing, added as Item 12.1

The Agenda for the April 7, 2009, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

Council – April 15, 2009
(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee meeting of March 24, 2009, were approved.

(d) Delegation Request- Rob Williams, respecting the proposed Copetown Lions Development (Item 4.1)

On a Motion (Ferguson/Duvall) Committee deferred consideration of this request until the meeting where the next report on this matter is included.

(e) Delegation Request from James R. MacDonald, respecting the parking situation on Agnes Street

Committee heard an update on the matter from Marty Hazell. Mr Hazell noted that there was a potential compromise being examined and that his staff would work with Mr. MacDonald, the other neighbours and the Ward Councillor, to reach a conclusion on the matter. Mr Hazell added that it would only be necessary to report back to Committee if an agreement could not be reached.

On a Motion (Duvall/Bratina), Committee referred the matter to staff to work with the neighbours and the Ward Councillor to find a compromise to the parking issues.

(f) Delegation Request from Carlo Di Gioacchino, Dundurn Edge Developments

On a Motion (Bratina/McHattie), Committee agreed to hear Mr. Di Gioacchino, after the staff presentation on Item 6.2.

(g) Delegation Request from Maurice Luchich, Tim Horton’s Donuts, to address Committee on Item 8.1

On a Motion (Ferguson/Pasuta), Committee agreed to hear Mr. Luchich, after the staff presentation on Item 8.1.

(h) Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, for the Property Located at 92 Strathearn Place, Glanbrook - Supported by the Planning and Economic Development Department (PED09061) (Ward 11) (Item 5.1)
Councillor Mitchell requested that Option 3 be added the Recommendation, to better reflect the position to be taken.

On a Motion (Mitchell/Whitehead), Committee agreed with the amendment.

(i) Demolition Permit – 63 East 39th Street (PED09093) (Ward 6) (Item 5.4)

Chair Pearson advised that the Ward Councillor, Councillor Jackson, was in favour of the staff report.

(j) Annual Report on Building Permit Fees (PED09095) (City Wide) (Item 5.6)

Councillor Ferguson expressed concerns regarding the downward trend in revenues, and his concern that efficiencies should be looked for, rather than simply raising the fees further.

(k) Application for a Change in Zoning for the Lands Located at 153 Highway 52 (Flamborough) (PED09084) (Ward 14) (Item 6.1)

Chair Pearson 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 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 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.

Matthew Blevins was present to assist Committee and gave an overview of the report, with the help of a powerpoint presentation. He explained that minor changes had been made to the by-law, to specify that the animal hospital use
includes accreditation by the College of Veterinarians for a food-producing animal hospital

The applicant’s agent, Ed Fothergill, advised that he was satisfied with the staff recommendation, and added points including, but not limited to, the following:

- While large animals are the focus, by-law also allows for the treatment of smaller animals
- Building on site will be improved and will include space for large animals
- Site close to transportation routes, suitable for the subject business
- Large animal vets are appropriate in rural areas, nearer the animals they serve
- Vet will practice both on and off site
- Site has capacity to handle new septic system, requirement will be established prior to building permit

Dr. Michael Mogavero, 933 Highway 53, Copetown, addressed Committee with regard to the proposal. He provided a handout for all Committee members. His points included, but were not limited to the following;

- Long time resident of Copetown, is a Vet but proposal does not represent any competition to his business
- Explained various vet designations under the Act
- Concern that use could become mainly or exclusively for small animals, prefers licence and by-law to specify food-producing and equine animals only
- Concern that if small animals treated, use will not comply with Green Belt
- Green Belt is inflexible for good reason, to stop unnecessary development within its area
- Many existing vets already in surrounding area
- Concern about context of appeal of Rural Official Plan and future housekeeping amendments to by-law
- Concern regarding septic system, and availability of water in area, both quality and quantity, two houses immediately south of site are “dry”, need to truck in water
- Concern about high traffic volumes on Highway 52, difficult to turn large vehicles in and out of site.

Ed Fothergill addressed Committee for a second time. His points included, but were not limited to the following;

- The applicant has letters of support from many neighbours
- Application does not take land out of agricultural production, uses existing barn
Dr. Mogavero addressed Committee for a second time. His points included, but were not limited to the following;

- has talked to neighbours, not all in favour
- concern that enforcement will be difficult
- demand for large animal vets is decreasing
- Ontario Vet College now moving towards separate training for large animal and small animal vets

Cal Traver, 89 Highway 52, Copetown, addressed Committee in support of the application:

- his parents formerly lived on property
- many rural vets are well hidden, do not show a “commercial face” to the street, this vet operation will be hardly noticeable, no real impact

Committee discussed the matters raised by the report and the delegations and had further information supplied by staff.

Committee approved the staff recommendation including the amended by-law.

Referral back to Planning and Legal staff, Regarding Parkland Dedication / Cash-in-Lieu: Official Plan Amendment, New Implementing By-law and Policy (PED09028(a)) (City Wide) (Item 6.2)

Keith Anderson was present to assist Committee and gave an overview of the matter. He highlighted the items which had been referred to staff by Committee, and explained the resulting recommendations. Points included the following:

- Parkland Dedication for schools is recommended at 2%, having been discussed with the Boards
- Report recommends exemption for all types of affordable housing
- City cannot legally distinguish “student residential” from other types of residential
- Report recommends changes to dedication amounts for higher density, staff also recommends using an “Economic Stimulus” condition
- Report advises that reducing amount to be paid for Thistle Club would be bonusing, illegal under Planning Act
- Amounts for street townhouses to be reduced.

Committee discussed the issue and raised concerns and questions, including, but not limited to:
- should school board figure be reduced to 2%, especially when they programme their activities in City parks, and taxpayers then pay maintenance
- school boards wish to have reduced parkland dedication payment, but still want to sell their surplus sites to city at full market price
- fairness issues with School Boards should be addressed

The Clerk confirmed that letters had been sent to the Minister of Education, as directed at the Public Meeting. Staff was directed to send the same letter to AMO.

Councillor Mitchell asked if John Knox School had paid parkland dedication fees, and could they get a rebate if the percentage decreases.

Mr. McCabe advised that this school had paid, and that any new by-law would not permit rebates.

Carlo Di Gioacchino, Dundurn Edge Developments, addressed Committee with regard to the report. His points included, but were not limited to the following:

- owner of Thistle Club, building proposed will be LEED Platinum
- disagreed with staff view about bonusing on his site, said he had a different legal opinion
- considered that Hamilton parkland dedication figures are out of line with other cities
- Dundurn wants to go ahead with project, will not be able to if there is no break in the parkland fees
- Made comparisons with high density development in Burlington
- In favour of “economic stimulus” but requested it be extended to 2011

Committee continued their discussion.

The following amendment was moved (McHattie/Whitehead)

That economic stimulus measures, as previously proposed by staff be applied in 2009 and 2010, regarding high density development of 120 units/hectare.

Committee approved the amendment, and staff was given direction to improve the wording, if needed.

The following amendment was moved (Duvall/Whitehead).

That all School Boards and Schools be charged 5% parkland.

Committee continued their discussion of the issue.

Council – April 15, 2009
Mr. McCabe explained that the matter respecting the School Boards, surplus sites, and parkland, was presently being reviewed by the Portfolio Management Committee, and would then be reviewed by the City/Board Liaison Committee. He suggested that the matter of parkland dedication for schools be removed from the subject recommendation, pending the final result of this review and consultation. Until this has been completed, he suggested that the parkland dedication rate remain at 5%.

Committee agreed with this approach.

The mover and seconder of the amendment on the floor agreed with this change to their amendment, to reflect maintaining the 5% parkland dedication for schools, pending the conclusion of the work on the school issue. Committee approved this amendment.

The following amendment was moved (Bratina/McHattie).

Where population density in a particular area is at or above 120 persons per hectare, that parkland dedication for all new residential developments be set at 5%

Committee discussed the matter and had added information provided by staff. The mover and seconder agreed that the amendment on the Economic Development stimulus package would address the issues at hand, and did not proceed with the amendment.

Committee then approved the recommendation, as amended.

(m) Private and Confidential- OMB Hearing Respecting Setting Sail (Item 12)

Committee moved into Closed Session at 12:30 to consider one item pursuant to Section 239 of the Municipal Act, 2001 as follows;

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting the Setting Sail Appeal which is currently before the Ontario Municipal Board.

Committee resumed in Open Session at 12.50pm, and passed a Motion respecting the matter.

(n) Hamilton Launch of BizPal (Part of One-Stop Shopping Initiative) (no copy) (Item 7.1)

Council – April 15, 2009
Chris Farrell, Co-ordinator, Small Business Enterprise Centre provided an overview of the Biz-Pal system, with the aid of a powerpoint presentation.

Committee discussed the matter, and expressed their support for the new initiative.

On a Motion (Duvall/Mitchell), Committee received the staff presentation and thanked staff.

Mr. McCabe explained that when we move back to City Hall all the business functions will be located adjacent to the Planning Department, to facilitate true, one-step shopping for business needs.

(o) **Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton (PED09082) (City Wide) (Item 8.1)**

Al Fletcher gave an overview of the staff report. He noted the extensive consultation which had taken place during its preparation both within the City, and with Tim Horton’s. He explained that the report included comments from Public Health staff, and from traffic staff. He also noted that the matter of “Quick Service” uses was still being reviewed, and that staff would continue in attempts to have discussions with the restaurant/hotel business organization.

Mr. Fletcher explained that while an overall ban on drive through facilities was not possible, these uses could be restricted through Secondary Plan policies, and through zoning, as had already been done in the Downtown and in the Setting Sail area.

Maurice Luchich, Tim Horton’s Donuts, addressed Committee and provided a handout. His points included but were not limited to the following;

- in support of previous presentation on Biz-Pal, and City’s joining this programme
- supports staff recommendation, good to have staff who will talk to the industry
- “quick service” is a growing part of our time-stressed society, also addresses safety issues for people
- TDL has carried out research on issue, presently being academically peer reviewed, TDL does strategic research
- Business standards are continually being up-dated
- Wants to continue involvement in City’s work on OP, Zoning By-law, and on individual sites
- design guidelines are useful
On a Motion, Committee received the delegation.

Suzanne Brown, Healthy Living, Public Health, addressed Committee on the matter, and provided a health perspective. She noted particular concern where drive-thru stacking lanes block sidewalks and pedestrian access within a site. She noted a concern to get people active in their daily lives.

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

Committee approved the staff recommendation. Councillor McHattie requested his opposition be recorded.

(p) **Improvements to the Building Permit Inspection and Enforcement Processes (PED09083) (City Wide) (Item 8.2)**

John Lane gave an overview of the staff report. He also noted that a fine of $31,000 had been levied against a builder in Hamilton who had contravened the regulations, and that this would be a deterrent for future builders.

Committee thanked staff and approved the recommendation.

(q) **Appointment of 2 additional councillors to the Economic Development Advisory Committee (Added Motion)**

Committee approved the Motion.

(r) **Hamilton Trees and Parks Foundation (Added Motion)**

Committee approved a Motion respecting the matter.

(s) **St. Marks Church, Bay Street South (Added Motion)**

Committee approved a Motion respecting this item

(t) **Notices of Motion (Item 10)**

There were none brought forward.

(u) **General Information (Item 11)**
(i) **News from the General Manager (Item 11.1)**

M. McCabe noted the following points:

Public Open House on the Official Plan, taking place on Wednesday, April 8, 2009

The Council refusal of the Dundas storage unit application on King Street has been appealed to the OMB

The Council refusal of the Eaglewood Drive application has been appealed to the OMB

An appeal has been received under the Vital Services By-law, respecting Melvin Avenue. This appeal must be held by the Economic Development and Planning Committee, pursuant to the By-law, and a special meeting will be arranged.

Mr. McCabe distributed a copy of an article respecting CHMC research on housing.

(v) **ADJOURNMENT (Item 13)**

The Economic Development and Planning Committee adjourned at 3:20 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
April 7, 2009