



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 19, 2014
SUBJECT/REPORT NO:	Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough) (PED14225) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Cam Thomas (905) 546-2424 Ext. 4229
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Zoning Application ZAR-14-012, Dumfries Mutual Insurance Company, Applicant**, for a further modification to the Settlement Commercial “SC-7” Zone, Modified, to the Settlement Commercial “SC-19-H” Holding Zone, Modified, on lands located on a portion of 1292 Old Highway No. 8, Sheffield (Flamborough), as shown on Appendix “A” to Report PED14225, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED14225, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law apply the following Holding Provision in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision ‘H’ shall not be removed until such time as the following condition has been completed to the satisfaction of the Director of Water and Wastewater Planning and Capital.

“That no development take place until such time as the proposed private servicing strategy, including design details and monitoring, has been approved by the Sustainable Initiatives Section, to the satisfaction of the Director of Water and Wastewater Planning and Capital.”

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, and is in conformity with the Rural Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the subject application is to amend Flamborough Zoning By-law No. 90-145-Z in order to permit a one-storey office building with 65 parking spaces, on a 1.6 ha portion of the lands located at 1292 Old Highway No. 8 (see Appendix “C”). The proposed office building has a total gross floor area of 1,810 sq m, and is to contain an insurance company specializing in insurance for farms and rural properties, employing up to 35 employees.

A Holding provision is necessary for the proposed development in order to ensure that the proposed private servicing strategy has been approved by the Sustainable Initiatives Section, Water and Waste Water, Public Works, and in turn, ensure that the provision of sustainable private services will be implemented.

The proposal is considered to be in conformity with Rural Hamilton Official Plan, as it provides for a small-scale commercial use that services the rural area.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

August 21, 2013: Development Review Committee Meeting for Formal Consultation FC-13-059 for 1292 Old Highway No.8 (Flamborough).

March 24, 2014: Submission of Application ZAC-14-012, by WEBB Planning Consultants.

April 3, 2014: Application ZAR-14-012 is deemed complete.

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- April 3, 2014: Circulation of Notice of Complete Application.
- April 15, 2014: Preliminary Circulation for Application ZAR-14-012 to all property owners within 120 m of the subject lands
- May 1, 2014: Public Notice Sign posted on property.
- August 28, 2014: Public Notice Sign updated with Public Meeting date.
- August 29, 2014: Circulation of Notice of Public Meeting to all residents within 120 m of the subject lands.

Background:

The subject lands are located on a portion of property municipally known as 1292 Old Highway No. 8 in the Sheffield Rural Settlement Area in Flamborough. The subject lands are currently vacant and form part of a larger 5.17 ha parcel, which includes an existing garden centre. The applicant, Dumfries Mutual Insurance Company, proposes to construct a one-storey office building to contain an insurance office on a 1.6 ha portion of the 1292 Old Highway No. 8 property. The applicant intends to eventually sever the 1.6 ha portion to create a separate parcel. A future Consent Application will be required to facilitate this.

The proposed office is intended for the accommodation of up to 20 employees with potential for up to 35 employees over the long term. The proposed office building has a ground floor area of 960 sq m and a basement of 850 sq m, for a total gross floor area of 1,810 sq m (see Appendix "C").

Zoning By-law Amendment (ZAR-14-012)

The property is currently zoned Settlement Commercial "SC-7" Zone in By-law 90-145-Z, which only permits an outdoor garden centre. The proposed Zoning By-law Amendment is required in order to modify the "SC-7" Zoning to permit offices as an additional permitted use on a portion of the subject lands.

In order to ensure sustainable private services will be implemented on-site, a Holding provision is required.

No additional site-specific regulations are required in order to implement the proposed office use, as it meets all of the other regulations of the parent zone.

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Details of Submitted Application:

Owner: Aida Nordelo Costa and Antonio Sousa Costa
Applicant: Dumfries Mutual Insurance Company
Agent: WEBB Planning Consultants
Location: 1292 Old Highway No. 8 (Sheffield) (see Schedule “A”)

Property Size (of lands to be zoned):

Frontage: 68.1 m
Lot Area: 1.6 ha
Gross Floor Area: 1,810 sq m
Parking Spaces: 65 parking spaces

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Property:	Outdoor Garden Centre on easterly portion; Vacant on westerly portion	Settlement Commercial “SC-7” Zone, Modified
<u>Surrounding Lands:</u>		
North	Agricultural operation	Agricultural “A” Zone
South	Agricultural operation and Single Detached Dwelling	Agricultural “A” Zone
East	Single Detached Dwellings	Settlement Residential “R2” Zone and Settlement Residential “R2-3” Zone, Modified
West	Single Detached Dwelling	Settlement Residential “R2-3” Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

Under the Provincial Policy Statement (PPS), the same policies apply for both urban and rural settlement areas, of which the following are considered relevant to the current development proposal:

“1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and /or economic expansion;
3. Minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. Support active transportation.
5. Are transit-supportive, where transit is planned, exists or may be developed; and,
6. Are freight-supportive; and,

b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.”

The subject application entails the redevelopment of an underutilized property, while increasing the range of uses afforded within a settlement area. The provision of sustainable private services will ensure that there is no risk to public health and safety.

Further, as the subject proposal entails the provision of private services, the following servicing policy is relevant:

- “1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided the site condition are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.”

Staff note that studies and documentation pertaining to the servicing strategy proposed for the subject proposal have been submitted and have been subject to a peer review in consultation with the Sustainable Initiatives Section. Based on the studies and documentation submitted to date, additional information is required in order to demonstrate the ability of the proposed system to provide long term and sustainable onsite sewage and water services for the development. Staff agree that through the future Site Plan Control application, a detailed servicing design may be determined and implemented for the proposed development, along with the associated proper maintenance program and monitoring of any approved system implemented.

Based on the foregoing review and analysis, the subject application is considered to be consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe

The following policies from the Growth Plan for the Greater Golden Horseshoe are considered to be applicable to the proposed development:

- “2.2.2.1 Population and employment growth will be accommodated by:
- h) encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services;

- i) Directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas;
- j) directing major growth to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas.

2.2.9.1 Rural settlement areas are key to vitality and economic well-being of rural communities. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlement areas to serve the needs of rural residents and area businesses.”

The subject proposal introduces a new office use within a rural settlement area that provides for increased variety in services available to serve rural residents. As such, the subject application conforms to the Growth Plan for the Greater Golden Horseshoe.

Greenbelt Plan

Under the Provincial Greenbelt Plan, the subject property is located within a settlement area and as such, the policies noted below, amongst others, are relevant in the review of the subject application.

“3.4.1 Settlement areas within the Greenbelt support and provide significant economic, social and commercial functions to prime agricultural areas and rural areas. They are an integral part of the long-term economic and social sustainability of the Greenbelt and the Plan envisions that they continue to evolve and grow in keeping with their rural and/or existing character.”

Specifically, the subject lands are located within the Sheffield Rural Settlement Area, which is recognized as a Hamlet, within the Greenbelt Plan. Policy 3.4.3 states that “for lands within Hamlets in the Protected Countryside, the following policies shall apply:

3.4.3.1 Hamlets, as identified in municipal official plans and within their approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the external connections policies of section 3.2.5. This Plan permits infill and intensification of Hamlets subject to appropriate water and sewage services.”

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In support of the subject application, studies and documentation pertaining to the servicing strategy proposed for the subject proposal have been submitted and have been subject to a peer review in consultation with the Sustainable Initiatives Section.

Additional details are required on the proposed sewage system performance along with any recommended on-going system performance monitoring for this specific application. Although overall sewage system performance and the mechanisms to ensure monitoring and maintenance have yet to be fully resolved, staff are satisfied that through the recommended Holding provision in addition to the future Severance and Site Plan Control applications, the required mechanisms can be implemented. Furthermore, until such time as the details of the private servicing system and monitoring plan have been approved the 'H' symbol will remain in effect.

Based on the foregoing, the proposed application is in conformity with the Greenbelt Plan.

Rural Hamilton Official Plan

The subject lands are designated Settlement Commercial on Map 14, Sheffield Settlement Area of the Rural Hamilton Official Plan. The following polices, amongst others, are considered relevant to the proposed office development:

- "A.1.4.1 On lands designated Settlement Commercial on Map 1 through Map 19, *small scale* commercial, professional or personal service uses primarily related to the needs of the residents in the Rural Settlement Area and the surrounding Rural Area shall be permitted subject to the following conditions:
- a) Commercial uses of a size and nature to serve the needs primarily of the local residents in the Rural Settlement Area and its surrounding rural area, and do not rely on passing, or through vehicular traffic; and,
 - b) Land within a Rural Settlement Area may be redesignated to permit a new Settlement Commercial use by an Official Plan amendment, a Zoning By-law amendment, and Site Plan approval. A proposed Settlement Commercial use may be considered provided the following conditions and criteria are met:
 - i) Landscaping, screening and/or buffering to mitigate impacts shall be provided between the commercial use and all other adjacent uses;

- ii) Adequate off street parking areas shall be provided and access points to such areas shall be limited in number and design in a manner which will minimize danger to vehicular traffic in the immediate area; and,
- iii) The proposed use has frontage on a road primarily designed for through traffic.”

The subject proposal entails the development of an office building, which will contain an insurance company that specializes in insurance for farms and rural properties. Further, the proposal meets all of the size and locational requirements of the underlying parent zone, being the “Settlement Commercial” Zone, and, as such, demonstrates one of the ways by which small scale can be determined. Additional analysis pertaining to the small scale nature of this development is provided within the Analysis and Rationale for Recommendation Section of this Report.

Appendix “C” shows that there will be adequate off-street parking provided on the subject lands and that there is only one access point proposed to the property, from a road primarily designed for through traffic, being Highway No.8. Further, the subject lands have adequate space to accommodate landscaping, screening and buffering, the details of which will be determined at the Site Plan Control stage for the proposed development.

In addition to and in accordance with the Archaeology Policies of the Rural Hamilton Official Plan, the subject lands have been identified as being located within an area of archaeological potential. As such, the following archaeology policy is also relevant in the review of the subject application:

- “B.3.4.4.2 In areas of archaeological potential identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act:
- b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance.”

Staff note that an archaeological assessment was submitted with the subject application, and archaeological requirements have been met for the proposed development.

In addition, as the subject proposal entails the provision of private services, the proposal is further evaluated based on the following infrastructure policies:

Infrastructure

“C.5.1 It is the objective of this Plan to ensure all rural development establishes, and maintains in perpetuity, sustainable private services in accordance with the following policies.

C.5.1.1 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City’s calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.2 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.
- b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.2 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant’s expense.
- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).

- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g).
- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;
- g) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.”

As previously noted and discussed in further detail within the Analysis/Rationale for Recommendation Section below, studies and documentation pertaining to the servicing strategy proposed for the subject proposal have been submitted and have been subject to a peer review in consultation with the Sustainable Initiatives Section. Although overall sewage system performance and the specific mechanisms to ensure monitoring and maintenance have yet to be fully resolved, staff are satisfied that through the recommended Holding provision in addition to the future Severance and Site Plan Control applications, the required mechanisms can be implemented.

Based on the forgoing, the subject application is in conformity with the Rural Hamilton Official Plan.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed application:

- Corridor Management, Public Works Department
- Grand River Conservation Authority
- Hamilton Municipal Parking System

Public Health:

Public Health has advised that the impact of the proposed development on groundwater quality needs to be assessed, that a hydrogeological study prepared, and groundwater monitoring ensured, to the satisfaction of the Sustainable Initiatives Section prior to the approval of the subject application. These concerns are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

Ministry of Transportation:

The Ministry of Transportation advised that prior to construction a Ministry of Transportation Building and Land Use permit is required.

Sustainable Initiatives Section, Public Works Department

Sustainable Initiatives have required the submission of a hydrogeological assessment and septic system design which have been subject to a peer review by an independent consultant. Challenges have been identified with the development of the site for a private well system and a waste water treatment system due to the topographical constraints of the proposed location (i.e. fractured bedrock, thin overburden and lack of natural filtration for groundwater resources, and high nitrate concentrations [i.e. close to 10mg/L]). In addition, there are also several existing wells within 50 m of the proposed leaching bed. Further information is required on the Bionest Treatment System because it is a new technology for waste water treatment and for this application, the system must provide a high standard of nitrate removal.

These issues are discussed in detail in the Analysis/Rationale for Recommendation Section.

Public Consultation:

In accordance with Council's Public Participation Policy, 24 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 m of the subject property on April 15, 2014, requesting public input on the application. Further, a Public Notice sign was posted on the property on May 1, 2014. One letter of objection was received in response to the circulation (see Appendix "D"). The letter expressed concerns related to sequencing of required applications to implement the proposal, water supply for the site and impact on neighbouring properties, stormwater management, sewage treatment, fire safety, increased traffic, aesthetics of the proposed building and impact on property values. These concerns are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the PPS, which supports redevelopment and economic growth;
 - (ii) It conforms with the Grow Growth Plan for the Greater Golden Horseshoe, which encourages the provision of a variety of services to serve rural residents;
 - (iii) It conforms to the settlement area policies of the Greenbelt Plan; and,
 - (iv) It conforms to the Rural Hamilton Official Plan with respect to providing a new commercial use of an appropriate size and nature to serve local residents.

2. The following issues were examined with respect to the proposed office for lands located at 1292 Old Highway No. 8:
 - a) Adequacy of Private Services; and,
 - b) Scale and Merits of the Proposed Development.

a) Adequacy of Private Services

The applicant's Hydrogeological Study and Septic Design Brief was reviewed by the Sustainable Initiatives Section (Public Works Department) and a review was also undertaken by the City's peer reviewer. Staff have identified additional information that is required in order to demonstrate that the proposed development can be properly serviced given the specific site conditions.

The issues noted in the peer review are with respect to the following:

- i) The availability of an adequate and potable water supply;
- ii) The suitability of the site for the installation and operation of a septic system; and,
- iii) The potential impact of a septic system on groundwater quality in existing water supplies.

POTABLE WATER SUPPLY

The applicant's hydrogeological assessment has identified that a 38 m deep well on the property would be capable of producing 30L/minute which is considered to be suitable for uses as a potable water supply. The proposed well would be

located in close proximity to the dispersal field which may cause contamination to the well due to migration and weaknesses in the bedrock.

Staff have requested additional information from the applicant's consultant to support the proposed well location and the proposed system of wastewater treatment and a preliminary response was provided. This information will be reviewed and analysed as part of the recommended Holding provision.

SUITABILITY OF SITE FOR SEPTIC SYSTEM

Sustainable Initiatives have identified concerns that the subject property is located within a "hydrogeologically sensitive area" because it contains shallow soils and sections of fractured bedrock. The MOE Guidelines for On-Site Sewage Systems state that "Approval Authorities should only consider support for development applications involving individual on-site sewage systems where the proponent and/or the consultant has demonstrated that the area is not obviously hydrogeologically sensitive (for example, areas of fractured bedrock exposed at surface, and/or areas of thin soil cover)".

The confirmation of bedrock fractures and thin overburden was also previously identified in the Settlement Capability Study for Sheffield (1983) for the Former Region of Hamilton-Wentworth, which examined constraints for future growth based on the area's hydrogeological conditions. For this reason, severances in the area of the subject property for residential purposes (known as Area 2A) have required a minimum lot area of 1.4 ha. The lack of natural filtration for the ground water sources has meant that higher levels of treatment for nitrate removal are necessary. The applicant's Hydrogeological Study has also identified water producing fractures in the bedrock from test wells between 15-38 m below grade.

One potential concern is that nitrates from the dispersal bed could leach into adjacent wells which are downgradient due to the fractured bedrock, which may affect human health. There are four wells on the south side of Old Highway No. 8 that are within 50 m of the property that could potentially be affected by nitrates. To address this issue, the use of tertiary technology has been proposed. Staff note that although the technology that is proposed is certified by NSF International, the removal of nitrates is not currently recognized by the Ontario Building Code at this time. The certification of the system for Nitrate reduction to national standards (i.e. NSF 245) is also not known. Additional data is therefore required to ensure that the proposed system would be suitable as part of the servicing strategy for this development.

This requirement forms part of the Holding provision that staff are recommending be added to the implementing Zoning By-law.

IMPACTS OF SEPTIC SYSTEM

The applicant has been required to demonstrate the feasibility of providing an onsite well and private wastewater services for the proposed office development in order to ensure that there is no risk of well contamination for the subject site, as well as, to address downstream risk for adjacent property owners.

The proposed private wastewater septic system (Bionest Filtration System) is a Class IV system under the OBC which provides tertiary treatment. The system consists of a treatment system, pump chamber and dispersal bed. The system uses biological treatment for the sewage effluent to minimize the effects on groundwater and surface water resources.

Based on the applicant's consultant's review, the proposed treatment system would be rated for 4,400 L per day which is below the 10,000 L per day that requires approval by the Ministry of the Environment. The proposed treatment system would be located in the front yard directly west of the future office, and north of the proposed parking area. The dispersal bed would be located in the front yard, between the entrance to the parking area and front property line (see Appendix "C").

Staff note that the water that has been tested on site would have generally high nitrate concentrations that are close to the maximum allowed under the Provincial Guidelines (i.e. 9.3 mg/L were identified, whereas 10mg/L is considered acceptable). Nitrate levels are of concern because they contribute to contamination from bacteria. The proposed enhanced treatment system would provide for a reduction to 0.6 mg/L. The view of staff is that an exceptionally high level of nitrate removal is required from the wastewater treatment system because of the site conditions (i.e fractured bedrock) and the proximity of the on-site well and adjacent wells.

Staff have therefore requested additional data to support the applicant's proposed system for nitrate removal to ensure that the system is sustainable for long-term use and that there is no contamination on-site and within adjacent wells, recognizing some of the hydrogeological limitations of the property. As well, the certification of the system to NSF-245 Standards has not been confirmed.

The use of a Holding 'H' provision is being recommended in the amending zoning until the proposed servicing strategy and outstanding items identified above have been approved in principle by the Director of Water and Wastewater Planning and Capital.

b) Scale and Merits of the Proposed Office Development

The proposed office is intended for the use of Dumfries Insurance and would accommodate between 20-35 employees in the long term within a proposed building having 980 sq m of Gross Floor Area. The Rural Hamilton Official Plan has designated the property as "Settlement Commercial" in the Sheffield Settlement Area.

Policy D.1.4.1 of the Rural Official Plan states that Settlement Commercial may include "small scale" commercial, professional or personal service uses and shall relate to the needs of the residents in the surrounding Rural Settlement Area and the surrounding Rural Area.

In general terms, the proposed office would serve the surrounding agricultural area of Sheffield and north-west Flamborough. The use would provide insurance services for farms, rural homes, livestock, machinery and equipment, produce and loss of income. The use will therefore provide an important and convenient service to the surrounding agricultural area.

In terms of what is meant by "small-scale commercial", the Rural Hamilton Official Plan defines "small scale" in the context of permitted agriculture-related and secondary uses that are secondary to a farm operation, which are requirements that would not be applicable to the proposed development as the use is not part of a farming operation and there are no primary and secondary uses. Within the context of the Sheffield Settlement Area, Staff's consideration of the proposal is that it would be recognized as an appropriate small-scale commercial use based on the following:

- In the Sheffield Settlement Area, the Settlement Commercial designations are randomly located recognizing the small population of this community and the absence of a stable and/or centralized commercial area. Settlement Areas such as Sheffield are generally too small to support commercial uses except on larger properties where there may be a wider commercial draw.
- The subject property also occupies the largest portion of land within the Settlement Commercial designation and is near the northerly limit of the Sheffield Settlement Area. The larger land area for the Settlement Commercial designation in this location is to recognize an existing commercial use (i.e. a garden centre) and to ensure the provision of adequate private services for future uses, as well as, parking. The proposed development would not detract from the character of the Settlement Area.

- The proposed office is a permitted use in the parent Settlement Commercial (SC) Zone and the proposed site plan for the development would satisfy the provisions of the Settlement Commercial Zone including, but not limited to: minimum lot area and lot frontage requirements, setbacks, lot coverage, building height and parking. As such, the proposed building would be low rise, consistent with the height of other buildings in the area.
- The proposed 1.6 ha site in principle can be serviced with a well and wastewater treatment services, subject to the provision and implementation of an approved servicing strategy and the removal of the Holding 'H' provision.

Therefore and based on the above, staff are satisfied that the proposed office is appropriate and conforms to the policies of the Rural Hamilton Official Plan. The lands would be subject to a mechanism through the Holding provision to require the completion of an approved servicing strategy prior to the commencement of development and that the use is of a scale that would be regarded as "small-scale" commercial.

3. Zoning By-law Amendment (ZAR-14-012):

The subject lands are located in the Settlement Commercial "SC-7" Zone, Modified. To accommodate the proposed office development, two zoning modifications are required and are as follows:

Permitted Use

- Offices

The existing Settlement Commercial "SC-7" Zoning permits only a Garden Centre on the 1292 Old Highway No. 8 property. The current zoning only recognizes the existing established use on the subject lands. While the current zoning applies to the entirety of the 1292 Old Highway No. 8 property, only a portion contains the existing garden centre use and the remainder of the property is vacant. The proposed zoning by-law amendment will only apply to the currently vacant portion of the subject lands and will only permit offices on this 1.6 ha portion of the property (See Appendix "B").

Holding Provision

A Holding provision is required in order to ensure that the proposed servicing strategy for the proposed development has been approved by the Sustainable Initiatives Section. This approach is considered reasonable given the extent of

review to date for the Hydrogeological component for the application. The Holding provision would be required to remain in effect until the completion of the following:

That no development take place until such time as the proposed private servicing strategy, including design details and monitoring, has been approved by the Sustainable Initiatives Section, to the satisfaction of the Director of Water and Wastewater Planning and Capital.

The proposed development meets the remainder of the regulations of the parent Settlement Commercial Zone. In addition, the draft zoning for the subject lands is Settlement Commercial (S2) under the Draft Rural Zoning By-law. Staff note that the proposed office use is permitted under the draft Settlement Commercial (S2) Zone.

4. Staff note that the applicant submitted additional studies and reports in support of the Zoning By-law Amendment application, which have been reviewed by staff and have been discussed in detail within the foregoing sections. However, one additional report has been submitted and reviewed, as follows:

Archaeological Assessment:

The applicant submitted a Stage 1-2 Archaeological Report as part of the Zoning By-law Amendment application. Staff reviewed the report and found municipal interest in archaeology has been met.

5. As noted above in the Public Consultation Section of this Report, the proposal, attached as Appendix "C", was circulated to all residents within 120 m of the subject lands. One letter of objection was received in response to the circulation (see Appendix "D"). The letter expressed concerns related to the following items: sequencing of required applications to implement the proposal, water supply for the site and impact on neighbouring properties, stormwater management, sewage treatment, fire safety, increased traffic, aesthetics of the proposed building and impact on property values.

Staff have reviewed the letter and note that many of the issues/concerns raised by the resident align with the criteria by which the merits of the proposal have been addressed. The issues raised by the public are as follows:

Sequencing of Required Applications:

Subject to the Zoning application being approved, an additional Zoning By-law amendment application to lift the Holding provision, followed by a Severance application and Site Plan Control application will be required to implement the

proposed development. Staff find this sequence of applications appropriate and, in turn, will allow for the orderly development of the subject lands.

Impact on Water Supply:

The impact on water supply resulting from the proposed development is discussed under item 2 a) – Adequacy of Private Service of the Analysis/Rationale for Recommendation Section above.

Stormwater Management:

Stormwater management is a major component of review at the Site Plan Control stage. The proponent will be required to demonstrate that all stormwater can be accommodated on site without impacting neighbouring properties.

Sewage Treatment:

The impact of the sewage treatment associated with the proposed development is discussed under item 2 a) – Adequacy of Private Service of the Analysis/Rationale for Recommendation Section above.

Fire Safety:

Fire Safety issues for the proposed office would be examined at the Site Plan Approval and Building Code review stage.

Traffic Impact:

Corridor Management staff indicated that they had no comments pertaining to the subject application.

Aesthetics:

The detailed design elements of the proposed development will be reviewed at the Site Plan Control stage.

Negative Impact on Property Value:

Concerns were raised that the proposed development will result in a devaluation of adjacent properties. Staff are not aware of any data that would support the opinion that the proposed office development would result in a loss of property values.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the property located at 1292 Old Highway No. 8 could only be used for the existing Garden Centre use in accordance with the current Settlement Commercial “SC-7” Zone provisions.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law
- Appendix “C”: Concept Plan and Elevations
- Appendix “D”: Resident Letters from Notice of Complete Application