



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 15, 2015
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 212 Glover Road (Glanbrook) (PED15134) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Robert Clackett Planner (905) 546-2424 Ext. 7856  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Zoning By-law Amendment Application ZAR-14-034 by 810306 Ontario Limited, Owner,** to remove the subject lands zoned General Commercial “C3” Zone, General Commercial “C3-116” Zone, and General Commercial “C3-117” Zone from the Town of Glanbrook Zoning By-law No. 464 and add the subject lands to the Hamilton Zoning By-law No. 05-200 as General Business Park (M2) Zone for a portion of the lands known as 212 Glover Road, as shown on Appendix “A” to Report PED15134, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED15134, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and will comply, once re-designated upon fulfilment of the Minutes of Settlement, with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The purpose of the Zoning By-law Amendment Application is to implement Minutes of Settlement approved by the Ontario Municipal Board (OMB), by removing the subject lands zoned General Commercial “C3” Zone, General Commercial “C3-116” Zone, and General Commercial “C3-117” Zone in the Town of Glanbrook Zoning By-law No. 464 and adding the subject lands to the Hamilton Zoning By-law No. 05-200 as General Business Park (M2) Zone for a portion of the lands known as 212 Glover Road.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and will comply, once re-designated upon fulfilment of the Minutes of Settlement, with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area.

***Alternatives for Consideration – See Page 17***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

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

This application implements Minutes of Settlement entered into by the City of Hamilton and Paletta International Corporation by way of Decision / Order by the OMB dated December 3, 2014.

## **HISTORICAL BACKGROUND**

### **Proposal:**

The subject property, municipally known as 212 Glover Road (Glanbrook) is located on the northeast corner of Dartnall Road and Twenty Road East (see Location Map attached as Appendix “A”). The land subject to this application forms part of a larger parcel of land located within the Red Hill South Business Park, which are currently vacant and are approximately 28 ha in lot area with 547 m of frontage along Twenty Road East. The subject application applies to only a portion of 212 Glover Road, approximately 9.69 ha in area, and which is proposed to be rezoned to the General Business Park (M2) Zone. The remainder of 212 Glover Road is already zoned for

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employment uses as it is zoned Prestige Business Park “M3” Zone in Zoning By-law No. 05-200.

The settlement was regarding an appeal pursuant to Subsection 17(36) of the *Planning Act* by Paletta International for approval of the City’s UHOP for the lands at 0 Rymal Road and 212 Glover Road, specifically, an exchange of UHOP designations between the two properties, subject to certain criteria.

In its decision, the Board found that Paletta’s proposal under the Settlement to re-designate the subject site, being a part of 212 Glover Road, from “Arterial Commercial” to “Employment Area – Business Park”, had appropriate regard for matters of Provincial interest as set out in the *Planning Act*, and was consistent with the PPS and the Growth Plan. At the request of the parties, the Board agreed to withhold its Order respecting the redesignation of the subject site for 12 months or until the Board was advised that Paletta International Corporation has made an application to rezone the subject site, whichever was earliest.

In accordance with Clause 18 of the Settlement, an application was to be filed with the City to rezone the subject site to the General Business Park (M2) Zone in Zoning By-law No. 05-200, with no additional permitted uses. In accordance with Clause 19 of the Settlement, the applicant was to file a routine rezoning application with the required fee within 12 months of the Decision; the City was to waive Formal Consultation; and a Planning Justification Brief was to be filed to support the application but no other technical studies were required.

The effect of this Zoning By-law Amendment is to implement Minutes of Settlement entered into by the City of Hamilton and Paletta International Corporation by way of Decision / Order by the OMB dated December 3, 2014.

**Chronology:**

<u>July 21, 2014:</u>	The City of Hamilton entered into Minutes of Settlement with Paletta International Corporation requiring a Routine Rezoning Application for the relevant portion of 212 Glover Road.
<u>October 8, 2014:</u>	Application for Zoning By-law Amendment (ZAR-14-034) received.
<u>November 6, 2014:</u>	Application deemed to be incomplete.
<u>March 3, 2015:</u>	Application deemed to be complete.

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March 12, 2015: Notice of Complete Application and Preliminary Circulation mailed to 28 property owners within 120 m of the subject lands.

March 20, 2015: Public Notice Sign posted on the subject lands.

August 19, 2015: Public Notice Sign updated with Public Meeting date.

August 28, 2015: Circulation of Notice of Public Meeting to all landowners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 212 Glover Road, Glanbrook

**Owner / Applicant:** 810306 Ontario Limited (Owner / Applicant)

**Agent:** Turkstra Mazza Associates

**Property Description:**

<u>Lot Frontage:</u>	547.0 m (Twenty Road East)
<u>Lot Depth:</u>	432.0 m (Glover Road)
<u>Total Lot Area:</u>	28 ha (Entire property)
	9.69 ha (Subject Lands)

**EXISTING LAND USE AND ZONING**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	General Commercial "C3" Zone General Commercial "C3-116" Zone, Modified General Commercial "C3-117" Zone, Modified
<u>Surrounding Lands:</u>		
North	Vacant	Prestige Business Park "M3" Zone
East	Vacant	Prestige Business Park "M3" Zone
South	Vacant	General Commercial "C3-271" Zone, Modified Prestige Business Park "M3" Zone
West	Vacant	General Commercial "C3" Zone Prestige Business Park "M3" Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2014)**

The Application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 1.2.6.1 requires that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse impacts, such as noise. The proposed General Business Park (M2) Zone prohibits a range of heavy and noxious uses. As there are two residential lots to the west of the subject lands, further studies (i.e. noise and traffic) will be required when the lands are developed through the Site Plan Control process in order to address any concerns.

The Provincial interest in employment areas is identified through the policies contained in Section 1.3 of the PPS, and the following general policies apply to the subject application:

- “1.3.1 Planning authorities shall promote economic development and competitiveness by:
- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
  - d) ensuring the necessary *infrastructure* is provided to support current and projected needs.”

The permitted uses in the proposed General Business Park (M2) Zone assist in providing an appropriate mix and range of employment uses to meet long-term needs, assist in providing opportunities for a diversified economic base with a suitably sized site which has public watermains fronting the property on Glover Road, flanking on Twenty Road East, and along Dartnall Road. Also, a sanitary sewer currently fronts the property on Glover Road, flanking the lands on Twenty Road East, and a 600 mm along Dartnall Road. A sanitary sewer is also located within an easement entering the property at the northwest corner, extending southward then extending westward to Dartnall Road. A determination of whether or not these services are sufficient will occur at the Site Plan Control stage of development.

Based on the foregoing, the proposal is consistent with the policies of the PPS.

### **Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). Staff consider the application to be in conformity with the policies that direct municipalities to maintain an adequate supply of

employment lands and promote economic development and competitiveness, as per the policies contained in Section 2.2.6 – Employment Lands.

As a result, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan).

### **Urban Hamilton Official Plan (UHOP)**

The Minutes of Settlement, entered into by the City of Hamilton and Paletta International Corporation by way of Decision / Order by the OMB dated December 3, 2014, supports an “Employment Area – Business Park” designation for the subject lands and will re-designate the subject lands from “Arterial Commercial” to “Employment Area – Business Park” once the Minutes of Settlement have been fulfilled.

The Board Order indicates that the Order would be withheld for 12 months, or until the applicant files the subject Zoning By-law Amendment Application, after which the Board would order the UHOPA changes into effect.

The subject lands will be identified as “Employment Area” on Schedule “E” and designated “Business Park” on Schedule “E-1” once the Minutes of Settlement have been fulfilled. The policies within Section E.2.7 affirm that Employment Areas, such as Business Parks, are the primary generators of employment opportunities and will apply to the subject lands once designated as such.

### **Employment Area**

“E.2.7.2 Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and development uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.”

The proposed General Business Park (M2) Zone uses will implement the above noted policy by allowing for a variety of industrial and employment uses, as well as uses which will support the businesses and employees of the employment area. It is important to note that major retail and residential uses will not be permitted.

### **Permitted Uses**

- “5.4.3 The following uses shall be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:
- a) manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments,

transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;

- b) uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
- c) ancillary uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;
- d) waste processing facilities and waste transfer facilities; and,
- e) accessory uses, such as limited retail and office.

5.4.4 Ancillary uses which serve the businesses and employees of the business park as described in Policy E.5.4.3 c), shall only be permitted at locations fronting arterial roads or collector roads into the business parks.”

#### Scale

“5.4.5 Offices within the Employment Area – Business Park designation shall comply with the following criteria:

- a) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be permitted where prestige uses for a business park are permitted by Policy E.5.4.7 c), and where the ancillary uses which serve the businesses and employees of the business park are permitted by Policy E.5.4.4.
- b) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law.
- c) Industrial administrative offices shall be limited to a maximum gross floor area of 9,999 square metres per free standing building and

shall only be permitted where prestige uses for a business park are permitted by Policy E.5.4.7 c).

- d) Consulting offices related to land development services, such as surveying, engineering, planning or design, services shall be limited to a maximum gross floor area of 9,999 square metres per free standing building. 5.4.6 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area, and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4.”

The General Business Park (M2) Zone has requirements that implement the above noted policies through the requirement of a Minimum Lot Area of 4000.0 sq m.

The uses permitted in the General Business Park (M2) Zone implement Policy E.5.4.3 as Manufacturing, Warehouse and other compatible primary, secondary and ancillary uses are permitted.

In light of the foregoing, the proposal complies with the UHOP.

#### Urban Design

In terms of design, the UHOP emphasizes that new development should incorporate good quality architectural design and landscape design.

“E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35):

- a) New development within Employment Area designations shall enhance the quality of the public realm along all public roads within and bounding business parks, along the Queen Elizabeth Way, the non-elevated portions of Burlington Street East and public roads between lands designated Employment Area and lands designated Neighbourhoods or Institutional within older industrial areas. The design and placement of buildings, structures, parking, loading, outside storage and assembly areas, lighting and landscaping, shall provide a safe, functional and visually attractive environment for pedestrians and vehicles.”

The proposed General Business Park (M2) Zone implements the above noted policy by setting a minimum lot area of 4000 sq m and a minimum yard abutting a street of 3 m.



This will ensure that buildings are placed closer to the street to maintain a continuous street edge. With respect to loading facilities, they cannot be located within a front yard, nor are they permitted in any yard abutting a street. All loading facilities must be screened from view by a visual barrier. These restrictions will ensure that the noise and views of large vehicles are minimized and a higher urban design standard can be maintained. Outdoor storage and outdoor assembly of goods, materials or equipment is only permitted as an accessory use in the M2 Zone and must conform to specific requirements which will contribute to higher urban design standards. Finally, a 3 m landscaped area is required abutting a street in order to provide a visually appealing element to the site design.

The location of buildings, structures, parking, loading, lighting, landscaping, and outside storage and assembly areas shall provide a safe, functional and visually attractive environment for pedestrians and vehicles that will be established through the detailed design stage of development through the Site Plan Control process. A concept plan has not been submitted to date as the final uses of the subject lands have yet to be determined. These uses will be established and design criteria will be reviewed through a subsequent Site Plan Control Application.

#### Archaeology

Policy B.3.4.2.1 g) states:

“B.3.4.2.1 g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.”

Furthermore, Policy B.3.4.4.2 states that:

“B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – 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*”.

The subject lands are located within an area of archaeological potential and Section 2(d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject application. As such, an archaeological acknowledgement note will be required on any future Site Plan at the Site Plan Control stage of development.

### Natural Heritage

Based on Schedule B (Natural Heritage Systems) of the UHOP, Core Areas have been identified on the property. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions. In this case, the Core Areas have been identified as watercourses regulated by Hamilton Conservation Authority (HCA). Watercourses may be representative of fish habitat. Fish habitat is defined as spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly to carry out their life processes.

Based on policies within the UHOP, any development and site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions;

“C.2.3           It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.”

In terms of fish habitat, new development and site alteration shall not be permitted within fish habitat except in accordance with provincial and federal requirements:

“C.2.5.3        New development and site alteration shall not be permitted within fish habitat, except in accordance with provincial and federal requirements.”

Also, new development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas (including fish habitat) unless the ecological function of adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions:

“C.2.5.5        New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.”

Clause 11 (d) of the Minutes of Settlement outlines studies that may be required prior to development. These studies include floodplain mapping, meander belt width assessment, headwater tributary assessment, Environmentally Significant Area buffer assessment, karst assessment, stormwater management report, fisheries setback, and Species at Risk assessment. In addition, Clause 11 (e) indicates that in the event the City undertakes any studies on these subjects, the applicant may refer and / or rely on those studies in support of its applications. The City of Hamilton, through the Growth Management section, is undertaking the Upper Hannon Creek Master Drainage and

Servicing Study, which is to be completed by the first quarter of 2016. An interim report (February 2015) has been prepared and the subject property has been included within this study area. It is the opinion of Planning staff that these studies and a discussion of the impacts as a result of development should be provided in a comprehensive Environmental Impact Statement (EIS) that is to be submitted as part of a future Site Plan Application.

### **Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned General Commercial “C3” Zone, General Commercial “C3-116” Zone, and General Commercial “C3-117” Zone in the Town of Glanbrook Zoning By-law No. 464. The intent of the application is to add the subject lands to the Hamilton Zoning By-law No. 05-200 and zone the lands as General Business Park (M2) Zone.

### **RELEVANT CONSULTATION**

The following Departments / Agencies had no comments or objections:

- Forestry and Horticulture Section, Public Works Department;
- Hamilton Municipal Parking System, Planning and Economic Development Department; and,
- Recreation Planning Division, Community and Emergency Services Department.

The **Hamilton Conservation Authority (HCA)** has advised that the subject lands are within the Hannon Creek Subwatershed, and contain a number of headwater tributaries of Hannon Creek. The Hannon Creek system drains to Red Hill Creek and ultimately to Hamilton Harbour.

The watercourses identified on the subject property are regulated by the HCA and a permit will be required for any new development, including the construction of buildings / structures, grading activities or watercourse alterations.

Further, HCA policies require that any proposed watercourse alterations be evaluated on an individual basis, in consideration of the potential impacts on flood storage and conveyance, erosion hazards, nature creek topography and fluvial geomorphological processes, water resources and ecological functions.

To address these considerations and to contribute towards determining the developable area of the subject property the following studies / reports and information, as identified in the Minutes of Settlement, would be required to support any future development application:

- Floodplain mapping;
- Meander belt assessment;

- Headwater tributary assessment;
- Karst assessment;
- Environmentally Sensitive Areas buffer assessment;
- Stormwater management report;
- Fisheries setback; and,
- Species at Risk assessment.

Study requirements would need to be reviewed and confirmed at the time of a development application, and would be subject to change based on the development proposal submitted and / or other considerations at the time of application.

As noted above, the HCA advises that the Hannon Creek system drains to Red Hill Creek and ultimately to Hamilton Harbour. As such, stormwater management would have to meet Level 1 (Enhanced) quality requirements. This should include consideration of low impact development (LID) measures. Stormwater management for the site will also have to consider and be integrated with the functional stormwater management system being developed through the Upper Hannon Creek Master Drainage and Servicing Study (UHCMDSS). Through this study, HCA has recommended a systems (treatment train) approach for managing stormwater that incorporates at source, conveyance and end-of-pipe measures.

HCA staff note that some of the study / information requirements identified above as being required to support any future development application for the property, may potentially be addressed through the completion of the UHCMDSS that is presently underway. The appropriateness of using results and information from the UHCMDSS for the subject property would have to be reviewed at the time of a development application.

The subject property is within an area regulated by HCA. The regulated areas have been identified based on the presence of natural hazards associated with the watercourses present on the property. PPS and HCA policy generally direct development to areas outside of hazardous lands. As noted above, further studies and an assessment are required to confirm hazard limits and determine potential development area(s) on the property.

In consideration of the comments provided above, including the requirement for detailed technical studies at the time of a development application, HCA has no objection to approval of the proposed change in zoning.

**Transportation Planning, Strategic Planning Division, Public Works Department** note that future road widenings and daylight triangles will be required in accordance with the UHOP.

Transportation Planning Staff also note that new development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street-oriented structure, and a safe and attractive public realm.

Further, it is noted that the City of Hamilton has approved the Hamilton Pedestrian Mobility Plan and the proposal needs to consider the needs of pedestrians with disabilities as well as built environmental standards. Sidewalks along both sides of the right-of-way and through the site are required to be 1.5 m wide. The proposal should consider the provision of trees in the boulevard.

In addition, Transportation Planning staff request the completion of a Transportation Demand Management Options Report as a requirement of Site Plan Approval.

All of these design features will be addressed at the detailed design stage of development through the Site Plan Control process.

**Corridor Management, Public Works** advise that there are sections of Twenty Road and Glover Road where the vertical alignment of the roads create areas along the property frontage where driver sightlines entering or exiting the property would be negatively impacted. Also, required driver sightlines for executing turning movements in safety may not be available.

Corridor Management staff further note that the Applicant will need to confirm that all driveway or local street locations proposed on the minor arterial (Dartnall Road) and collector road network (Twenty Road East and Glover Road) conform to Transportation Association of Canada (TAC) guidelines per the following: driver height at future neighbourhood road intersections and driveways looking to the windshield (considering street lights on the roadway) of vehicles approaching on Twenty Road East and on Glover Road; 20 km/h over posted speed; and sight lines required for left and right turns to attain 85% of design speed per TAC.

The location of driveways to the subject lands will be dependent on the results of the above noted sight line review. Corridor Management staff also note that it is a standard requirement that a new driveway will be located at least 70 m from street intersections.

The Applicant will be required to dedicate any required lands for right-of-way purposes and address the above noted design considerations at the detailed design stage of development through the Site Plan Control process.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 28 property owners within 120 m of the subject lands on March 12, 2015, and a Public Notice sign was posted on the property on March 20, 2015, and updated with the

Public Meeting date on August 19, 2015. No correspondence has been received from the public to date. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act* on August 28, 2015.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS, and conforms to the Growth Plan for the Greater Golden Horseshoe;
  - (ii) It will implement the policy direction related to lands designated “Employment Area – Business Park” in the UHOP following the fulfilment of the Minutes of Settlement and upon the Board ordering the “Employment Area – Business Park” designation into effect; and,
  - (iii) It will implement the Minutes of Settlement entered into by the City of Hamilton and Paletta International Corporation by way of Decision / Order by the Ontario Municipal Board dated December 3, 2014.
2. On December 3, 2014 the City and Paletta International Corporation entered into Minutes of Settlement together by way of a Decision / Order issued by the OMB.

In these Minutes of Settlement, Paletta International Corporation agreed to submit a routine rezoning application for the relevant portion of 212 Glover Road, together with the required fee, within 12 months of the Board’s decision approving the proposed UHOP amendments. The OMB decision was issued on December 3, 2014 and the application was deemed completed on March 3, 2015. The City agreed to waive the requirement for Formal Consultation and acknowledged that a Planning Justification Brief, but no technical studies, would be required to support the application.

Staff have reviewed the Minutes of Settlement as well as the application by Paletta International and find that the requirements of the applicant have been met.

The Board Order indicates that the Order would be withheld for 12 months, or until the applicant files the subject Zoning By-law Amendment application, after which the Board would order the UHOPA changes into effect.

3. The purpose of the Zoning By-law Amendment Application is to remove the subject lands which are zoned General Commercial “C3” Zone, General Commercial “C3-116” Zone, and General Commercial “C3-117” Zone in the Town of Glanbrook Zoning By-law No. 464 and add the subject lands to the

Hamilton Zoning By-law No. 05-200 and zone the lands as General Business Park (M2) Zone to permit the development of General Business Park uses.

The General Business Park (M2) Zone permits a variety of industrial and employment uses, as well as uses which will support the businesses and employees of the employment area. Furthermore, the zone has specific regulations that are design oriented, such as a 3 m minimum yard abutting the street to maintain a uniform street edge; a 3 m wide landscaped area to act as a natural buffer between uses; and restrictions on the location and screening of outdoor storage, outdoor assembly, and outdoor display. These regulations will maintain a high level of urban design.

All future development must conform to all of the requirements of the General Business Park (M2) Zone and will be subject to Site Plan Control to ensure conformity with design considerations.

As such, staff are satisfied that the proposal complies with the intent of the “Business Park” policies set out in the UHOP and are supportive of the Zoning By-law Amendment.

4. There are public watermain fronting the property on Glover Road, and flanking on Twenty Road East, and along Dartnall Road. The respective watermain sizes are 400 mm, 400 mm and 300 mm. An 825 mm sanitary sewer currently fronts the property on Glover Road, with a 375 mm sanitary sewer flanking the lands on Twenty Road East, and a 600 mm sanitary sewer along Dartnall Road. A 900 mm sanitary sewer is also located within an easement entering the property at the northwest corner, extending southward approximately 123 m then extending westward to Dartnall Road via a 600 mm sanitary sewer, and eastward to Glover Road through an 825 mm sanitary sewer, also within easements.

In accordance with the UHOP, the designated road allowance widths of the subject sections of Glover Road, Twenty Road East and Dartnall Road are 26.21 m, 30.48 m and 40 m, respectively.

Twenty Road East is currently established at its ultimate width of 30.48 m, and as such no future road allowance widenings will be required. Glover Road and Dartnall Road however, do not currently appear to reflect their ultimate widths, and as such, through the detailed design stage of development through the Site Plan Control process, as a condition of future development approval, the applicant / owner will have to dedicate sufficient land along Glover Road and Dartnall Road to establish the respective “as-widened” property lines 13.107 m and 20.0 m from the original centerline of construction of these roads.

In addition, the dedication of a 12.19 m by 12.19 m daylighting triangle at the intersection of Glover Road and Twenty Road East will required from the

widened limits of the intersection. The applicant / owner will be responsible for all costs related to the preparation and registration of legal documents and a Reference Plan for the road widenings. This again will be addressed through the detailed design stage of development through the Site Plan Control process.

In accordance with OMB, through the Minutes of Settlement respecting the subject lands, the City and the applicant / owner agreed to waive the City requirement for a Formal Consultation and that only a Planning Justification Brief would be required, with no technical studies required to support the Zoning By-law Amendment. Subject to this, the applicant / owner should be aware that as a condition of future development approval, they will be required to submit all applicable engineering studies and designs to support the proposed future development as it relates to the existing watercourses on the lands, sewer and water servicing, including water and sewer assessments, to the satisfaction of the City of Hamilton, Public Works Department.

It should also be noted that as a condition of future development approval, and as necessary to facilitate development, the applicant / owner will be required to enter into applicable Development Agreement(s) with the City of Hamilton to construct all required municipal works including roads and services.

5. Based on Schedule B (Natural Heritage Systems) of the UHOP, Core Areas have been identified on the property. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions. In this case, the Core Areas have been identified as watercourses regulated by HCA. Watercourses may be representative of fish habitat. Fish habitat is defined as spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly to carry out their life processes.

Based on policies within the UHOP, any development and site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions as per Policy C.2.3 of the UHOP. In terms of fish habitat, new development and site alteration shall not be permitted within fish habitat except in accordance with Provincial and Federal requirements, as per Policy C.2.5.3. In addition, new development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas (including fish habitat) unless the ecological function of adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions, as per Policy C.2.5.5. An EIS is required to assess the potential impacts of development and site alteration on Core Areas.

The EIS is typically submitted as part of a complete development application to ensure that environmental impacts are considered early in the design process where there is the greatest opportunity to design in harmony with the natural



environment, as per Policy F.3.2.1.6 of the UHOP. However, in this case, the UHOP was appealed to the OMB and due to Clause 19 of the OMB Minutes of Settlement (July 30, 2014), technical studies were not required to be submitted as part of this Zoning Application.

Clause 11 (d) of the Minutes of Settlement outlines studies that may be required prior to development. These studies include floodplain mapping, meander belt width assessment, headwater tributary assessment, Environmentally Significant Area buffer assessment, karst assessment, stormwater management report, fisheries setback, and Species at Risk assessment. In addition, Clause 11 (e) indicates that in the event the City undertakes any studies on these subjects, the applicant may refer and / or rely on those studies in support of its applications.

The City of Hamilton, through the Growth Management Section is undertaking the Upper Hannon Creek Master Drainage and Servicing Study, which is to be completed by the first quarter of 2016. An interim report (February 2015) has been prepared by AECOM and the subject property has been included within this study area. It is the opinion of Planning staff that these studies and a discussion of the impacts as a result of development should be provided in a comprehensive EIS that is to be submitted as part of a future Site Plan Control application. An EIS may not be required if the Upper Hannon Master Drainage and Servicing Study is completed prior to submission of a Site Plan Control Application.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the matter will be taken back to the OMB for a potential rehearing as the applicant was given only one year to fulfil the requirements of the Minutes of Settlement, as agreed upon by the City and the applicant.

## **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.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Location Map

Appendix "B": Draft By-law

RC/th