



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 9, 2016
<b>SUBJECT/REPORT NO:</b>	Applications to Amend City of Hamilton Zoning By-law No. 05-200 and Zoning By-law No. 6593 and for Approval of a Draft Plan of Subdivision "Multi-Area Employment Lands" for Lands Located at 99 Highland Road West, 1603 Rymal Road East and 665 Pritchard Road (PED16157) (Ward 6)
<b>WARD(S) AFFECTED:</b>	Ward 6
<b>PREPARED BY:</b>	Tiffany Singh Planner 1 (905) 546-2424 Ext. 1334  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATIONS**

- (a) That approval be given to **Revised Zoning By-law Amendment Application ZAC-14-006, by Multi-Area Development Inc. c/o Aldo DeSantis (Owner)**, for changes in zoning from the Prestige Business Park (M3, H28) Zone - Holding to the Business Park Support (M4) Zone, Modified, (Blocks 1 and 5); from the Open Space (P4) Zone to the Business Park Support (M4) Zone, Modified (Block 2); from the Open Space (P4) Zone to the Conservation / Hazard Lands (P5) Zone (Block 3); from the Open Space (P4) Zone to the Business Park Support (M4) Zone, Modified (Block 4); and from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone, Modified, (Block 6) to permit a range of industrial and commercial uses and to permit a multi-use corridor including a storm water management facility for lands municipally known as 99 Highland Road West and 665 Pritchard Road (Stoney Creek), as shown on Appendix "A" to Report PED16157, on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED16157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform with the Places to Grow – Growth Plan and comply with the Urban Hamilton Official Plan;
- (b) That approval be given to **Revised Zoning By-law Amendment Application ZAC-14-006, by Multi-Area Development Inc. c/o Aldo DeSantis (Owner)**, for a Modification to the M-11 (Prestige Industrial) District for lands municipally known as 1603 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED16157, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED16157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms with the Places to Grow Plan and complies with the Urban Hamilton Official Plan;
- (c) That approval be given to the **Revised Draft Plan of Subdivision Application 25T-201402, by Multi-Area Development Inc. c/o Aldo DeSantis (Owner)**, to establish a Plan of Subdivision on lands municipally known as 99 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED16157, subject to the following conditions:
- (i) That this approval apply to “Part of Lot 34 – Concession 8”, 25T-201402, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke O.L.S., dated April 15, 2015 showing two blocks for industrial / commercial development (Blocks 1 and 5); one block for a multi-use corridor containing a storm water management facility (Block 2); a 0.30 m reserve (Block 3); a temporary turnaround (Block 4); a road widening and daylight triangle (Block 6); and one new street (Street “A”), as attached in Appendix “D” to Report PED16157, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED16157;
  - (ii) That additional lands to the south, municipally known as 665 Pritchard Road and 1603 Rymal Road East, be incorporated into the Draft Plan of Subdivision Application 25T-201402 as two additional development blocks contingent on a finalized purchase agreement by Multi-Area Development Inc. and, subject to the owner entering into a Standard Form Subdivision

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Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "E" to Report PED16157;

- (iii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
  - (1) The City will not cost share with the owner for the stormwater management facility (land and construction) for industrial lands, in accordance with the City's Development Charge Policy for quality and quantity ponds;
  - (2) The City will cost share for oversizing in accordance with the City's financial policy;
  - (3) The City will pay for the construction of Street "A" from the west limit of the subdivision to Pritchard Road;
- (iv) That payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit.

## **EXECUTIVE SUMMARY**

The purpose and effect of the Zoning By-law Amendment application is to amend the City of Hamilton Zoning By-law No. 05-200 and the City of Hamilton Zoning By-law No. 6593 to permit a range of industrial and commercial uses including financial establishments, a medical clinic, personal services, retail uses, as well as provide for modifications to the regulations for restaurants and showrooms. The application will also provide for a multi-use corridor including a storm water management facility.

The purpose and effect of the Draft Plan of Subdivision application is to establish a Plan of Subdivision for 9.57 ha to create two blocks for future industrial / commercial uses, one block for a multi-use corridor containing a storm water management facility, and one new street.

The proposal has merit and can be supported as it will provide a greater range of commercial uses and ancillary uses in addition to existing permitted industrial uses. Furthermore, the proposal can be supported as it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and complies with the Urban Hamilton Official Plan.

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***Alternatives for Consideration – See Page 36***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one (1) Public Meeting to consider applications for approval of a Draft Plan of Subdivision and an amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

**Proposal:**

The subject lands municipally known as 99 Highland Road West, 665 Pritchard Road and 1603 Rymal Road East in Stoney Creek are approximately 11.14 ha in size and located on the west side of the Trinity Church Road Extension, south of Highland Road West and north of Rymal Road East (see Appendix “A” to Report PED16157).

**Zoning By-law Amendment ZAC-14-006**

The original application proposed to rezone portions of the lands located at 99 Highland Road West subject to Zoning By-law No. 05-200 from Prestige Business Park (M3, H28) Zone - Holding to Business Park Support (M4) Zone, Modified, to permit a range of industrial and commercial uses including financial establishments, a medical clinic, personal services, retail uses, as well as provide for modifications to the regulations for restaurants and showrooms, and to rezone portions from Open Space (P4) Zone to Conservation / Hazard Lands (P5) Zone, permitting a multi-use corridor containing a storm water management facility.

A revised application was submitted May 27, 2016 to include additional lands, municipally known as 665 Pritchard Road and 1603 Rymal Road East to the Zoning By-law Amendment application. The lands municipally known as 665 Pritchard Road, subject to Zoning By-law No. 05-200, would be rezoned from Prestige Business Park (M3) Zone to Business Park Support (M4) Zone, Modified. The lands municipally known as 1603 Rymal Road East, subject to Zoning By-law No. 6593, would be rezoned from M-11 (Prestige Industrial) District to M-11 (Prestige Industrial) District, Modified to permit the same modifications to the regulations for a restaurant or showrooms as proposed for 99 Highland Road West, extending the amending Zoning By-law to include the two additional parcels.

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Draft Plan of Subdivision 25T-201402

The application for Draft Plan of Subdivision seeks approval to establish a Plan of Subdivision to create two blocks for future industrial / commercial and ancillary uses, a block providing a multi-use corridor containing a storm water management facility, and a new street.

It should be noted that should the sale of the 1.57 ha of additional lands to the south, known as 665 Pritchard Road and 1603 Rymal Road East be finalized, these lands will be incorporated into the Plan of Subdivision as two additional blocks for future ancillary retail and commercial / office uses.

Staff note that the requisite studies have been submitted with the subject applications and will be addressed through the respective Standard Form Subdivision Agreement and through the special conditions attached as Appendix "E" to Report PED16157.

**Chronology:**

- January 14, 2014: Application submitted for a Zoning By-law Amendment (ZAC-14-006) and Draft Plan of Subdivision (25T-201402) by A.J. Clarke and Associates Ltd. (Agent), on behalf of Multi-Area Development Inc. (Owner).
- February 14, 2014: Applications ZAC-14-006 and 25T-201402 deemed complete.
- February 28, 2014: Circulation of Notice of Complete Application and Preliminary Circulation for Zoning By-law Amendment (ZAC-14-006) and Draft Plan of Subdivision (25T-201402) to 24 property owners within 120 m of the subject lands.
- February 25, 2014: Public Notice Sign posted on subject lands.
- September 11, 2015: Revised Draft Plan of Subdivision (25T-201402) submitted by A.J. Clarke and Associates Ltd. (Agent), on behalf of Multi-Area Development Inc. (Owner) to include a reserve and road widening along Highland Road West.
- May 27, 2016: Revised Zoning By-law Amendment application (ZAC-14-006) submitted to include the additional lands to the west and south known as 1603 Rymal Road East and 665 Pritchard Road.

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June 22, 2016: Public Notice Sign updated with Public Meeting Information including the additional lands municipally known as 1603 Rymal Road East and 665 Pritchard Road added to the Zoning By-law Amendment (ZAC-14-006) application.

July 22, 2016: Circulation of the Notice of Public Meeting to 37 property owners within 120m of the revised subject lands.

**Details of Submitted Application:**

**Location:** 99 Highland Road West, 1603 Rymal Road East and 665 Pritchard Road, Stoney Creek (see Appendix "A" to Report PED16157)

**Owner/Applicant:** Multi-Area Developments Inc. (c/o Aldo DeSantis)

**Agent:** A.J. Clarke and Associated Ltd. (c/o Stephen Fraser)

**Property Description:**

<u>Lot Frontage:</u>	159.32 m (Highland Road West)
<u>Lot Depth:</u>	675.11 m (Irregular)
<u>Lot Area:</u>	11.14 ha (Zoning By-law Amendment area)
	9.57 ha (Draft Plan of Subdivision area)
<u>Servicing:</u>	Extension of municipal services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant Agricultural Land	Prestige Business Park (M3, H28) Zone, Open Space (P4) Zone and "M-11" (Prestige Industrial) District
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Single Detached Dwellings	Prestige Business Park (M3) Zone
<b>South</b>	Single Detached Dwellings	"M-11" (Prestige Industrial) District
<b>East</b>	Vacant Agricultural Land Subject to Redevelopment	Recently rezoned from Neighbourhood Development "ND" to Multiple Residential "RM3-56" and "RM3-57" Zone (Appealed)

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<b>West</b>	Hydro One Networks Inc. Corridor and Vacant Agricultural Land	Prestige Business Park (M3, H28) Zone; Open Space (P4) Zone; and Prestige Business Park (M3) Zone
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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement:**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

Staff note the subject lands meet three of ten criteria the City and Ministry of Tourism, Culture and Sport use for identifying archaeological potential. Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2(d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

It should be noted that the recently added lands to the west and south of the original subject lands, fronting onto Rymal Road East (known as 665 Pritchard Road and 1603 Rymal Road East) were not part of the Stage 1-4 Archaeological Reports (P141-038-2006; P083-124-2011) submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. The requirement for an Archaeological Assessment for the additional

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lands is included as Condition "47" of the Draft Plan of Subdivision Approval in Appendix "E" to Report PED16157.

As the application for changes in zoning and a draft plan of subdivision comply with the Official Plan, it is staff's opinion that the applications are:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2014); and,
- conform to the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan:**

The subject lands are designated as "Neighbourhoods" and "Employment Areas" on Schedule "E" - Urban Structure and as "Business Parks" and "Open Space" on Schedule "E-1" - Land Use Designations. It should be noted that Official Plan Policy F.1.4.7 states:

"Boundaries of land use designations, as shown on Schedule E-1 - Urban Land Use Designations, shall be considered approximate, and are not intended to define the exact limits of any land use, unless they coincide with a road, lot or concession line, railway, watercourse or prominent physical feature or specifically coincide with detailed area boundaries set out in a secondary plan or special policy or site specific area. Similarly, minor adjustments may be made in the boundaries in the Zoning By-law without amending this Plan, providing the By-law conforms to the general intent of this Plan."

The following policies, amongst others, apply to the applications.

**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 Business Park Support (M4) Zone 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.



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“E.2.7.3 Employment Areas shall provide for a diverse range of employment opportunities in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and market requirements for businesses including regionally significant industries.”

The proposed development will provide for a diverse range of employment opportunities by permitting Financial Establishments, Medical Clinic, Personal Services and Retail uses. These additional uses will support existing local businesses, industries and employees of the future Upper Red Hill Valley Parkway area. In addition, the proposal provides for a range of uses that are suitable for transition from general industrial uses to adjacent future sensitive land uses (residential) and provides for an expanded range of economic opportunities in proximity to the future Upper Red Hill Valley Parkway. Lastly, the proposal will encourage multi-modal transport that supports industry locational and market requirements.

#### Function

The intended function of Business Parks is described in more detail in Section E.5.4.1.

“E.5.4.1 The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.”

#### Use

The permitted uses are described in more detail in Section E.5.4.3 – Employment Area – Business Park Designation.

“E.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;

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- 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.

E.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.”

The proposed additional uses of Financial Establishment, Medical Clinic, Personal Services, and Retail on the subject lands comply with the above noted policy, as they would be ancillary in nature and would cater to the demands of the businesses and employees of the Employment Area. However, as per Policy E.5.4.4 such ancillary uses shall only be permitted at locations fronting on arterial roads or collector roads into the business parks. The subject lands comply with the locational requirement as the property has frontage on the existing Major Arterial Road “Rymal Road East”, Collector Road “Highland Road West” and the future Major Arterial “Upper Red Hill Valley Parkway.”

Scale

“E.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.

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- 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.

E.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 Business Park Support (M4) Zone has requirements that implement the above noted policies through the requirement of a Minimum Lot Area of 4,000 sq m and a maximum gross floor area of 500 sq m for an individual retail establishment. In addition, the requested modifications to the Business Park Support (M4) Zone and M-11 (Prestige Industrial) District also comply with the above noted policies through the requirement of a maximum gross floor area of 9,999 sq m for Office use within an individual building, excluding accessory office.

### Open Space

The portion of the lands designated Open Space are intended to connect with the East Mountain Trail Loop and an Open Space corridor associated with an approved residential subdivision to the west of Upper Red Hill Valley Parkway. The subject lands are not identified in a Secondary Plan area. Therefore, the Open Space designation on portion of the lands is not further refined and the following City Wide Systems and Designations Open Space policies within Section C.3.3 apply:

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Function

- "C.3.3.1 Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses.
- C.3.3.2 The Open Space designation applies to lands greater than 4 hectares in size designated open space on Schedule E-1 – Urban Land Use Designations. Lands used for open space purposes less than 4 hectares shall be permitted within the Neighbourhoods designation subject to the provisions of this Plan.

Use

- C.3.3.4 The following uses shall be permitted on lands designated Open Space on Schedule E-1 – Urban Land Use Designations:
- a) parks for both active and passive recreational activities;
  - b) publicly owned and operated recreation/community centres or historic sites;
  - c) pedestrian pathways, trails, bikeways and walkways;
  - d) marinas;
  - e) forest, fish and wildlife management areas; and,
  - f) cemeteries.
- C.3.3.6 Where land is designated Open Space and is under private ownership, it is not intended this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.
- C.3.3.9 Whenever land designated or used for Open Space and Parks purposes, as designated on Schedule E-1 – Urban Land Use Designations, the maps of the secondary plans, or identified on Appendices relating to Open Space and Parks, is acquired or used by a city department or other public agency for non-recreational public purposes, the City or public agency shall be required to compensate for the resulting loss of parkland by paying the full current market value of the parcel of land into the Parkland Reserve."

Based on the permitted uses as described in C.3.3.4, the storm water management facility and street proposed to be located within the Open Space Designation are not considered permitted uses. However, it has been determined that, prior to registration of

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the plan of subdivision, the Owner shall submit transfer deeds conveying all lands necessary for the construction of the storm water management facility to the City. The storm water management facility and street will become municipal infrastructure; therefore, both are permitted in all land use designations, as per Urban Area General Provisions policy:

“C.3.2.1 The following uses shall be permitted in all land use designations:

- b) utilities, municipal infrastructure and transportation facilities, corridors and easements, electrical facilities used directly for the generation and distribution of electric power, natural gas and oil pipeline lines, telecommunication and new facilities approved under all relevant statutes, where the land(s) are less than 4 hectares in size, provided that the facility is not used for the purposes of maintenance or storage or railway yard;”

The above policies have been satisfied, as the development proposes a corridor for recreational use, wildlife crossing and a stormwater management facility, which was reviewed by City of Hamilton Natural Heritage and Landscape Architectural Services Staff, as well as the Hamilton Conservation Authority and deemed satisfactory subject to the applicant providing a detailed design / restoration plan and a monitoring plan for the multi-use corridor through the Site Plan Control Stage. This is detailed in Conditions “4”, “5”, “34” and, “36” inclusive, on Appendix “E” to Report PED16157, and the requirements of the Standard Form Subdivision Agreement. Natural Heritage System policies are reviewed later in this section. Accordingly, the proposal complies with Policy Sections C.3.3.

### Design

In terms of design, the UHOP emphasizes that new development should incorporate good quality architectural design and landscape design. The scale and design of development is governed by Policies E.2.7.5 to E.2.7.7, inclusive, of Volume 1. The future site layout and design of the industrial subdivision will be addressed through the future Site Plan Control applications.

“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):

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- 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 development of the subject lands are to be designed to be visible from the “Trinity Church Road Extension” now known as the “Upper Red Hill Valley Parkway”. In addition, the proposed Business Park Support (M4) Zone implements the above noted policy by setting a minimum lot area of 4,000 sq m and a minimum yard abutting a street of 6 m. 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 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 Business Park (M4) Zone and must conform to specific requirements which will contribute to higher urban design standards. Lastly, a 3 m wide planning strip is required abutting a street in order to provide visually appealing connectivity internally to the site and with the surrounding area.

The specific location of buildings, massing, parking, loading, bike parking, site lighting, outside storage, waste management areas, landscaping and buffers, and public realm principles shall provide a functional, safe and visually appealing environment for pedestrians, cyclists and vehicles that will be established 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.

- “E.5.4.7(d) A range of compatible employment uses shall be encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.”

It is noted that the lands to the east of the future Upper Red Hill Valley Parkway are designated as “Neighbourhoods” on Schedule “E-1” - Land Use Designations, and “Medium Density Residential 2 and 3” along Upper Red Hill Valley Parkway and “Mixed Use – Medium Density” along Rymal Road East as per Map B.7.7-1 – Trinity West Land

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Use Plan. The proposed development offers a range of compatible uses providing a transition from heavy industries to adjacent future sensitive land uses. Lastly, the subject applications are planned and designed to be easily accessible by a range of transportation modes including the automobile, transit, and active transportation, while maximizing access to goods movement corridors and the efficiency of goods movement within the Employment Areas.

Natural Heritage

Based on Schedule B (Natural Heritage Systems) of the UHOP, natural heritage features (Core Areas and Linkages) have not been identified on the property however, through in-depth analysis by Natural Heritage watercourses (regulated by Hamilton Conservation Authority), karst topography (regulated by the Hamilton Conservation Authority) exhibited by a sink hole and potential Bobolink habitat (a threatened species) have been identified on the subject lands. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions. A Linkage (hydro corridor) has been identified adjacent to the property.

- “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.
- C.2.5.3        New development and site alteration shall not be permitted within fish habitat, except in accordance with provincial and federal requirements.
- 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.
- C.2.5.8        New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:
- a) There shall be no negative impacts on the Core Area’s natural features or their ecological functions.

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- b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.”

As a result, an Environmental Impact Statement (EIS) was required and submitted to the satisfaction of the Hamilton Conservation Authority and City staff. An EIS dated January, 2014 was reviewed by the City’s Natural Heritage Planning staff and the City’s Environmentally Significant Areas Impact Evaluation Group (ESAIEG) on May 8, 2014. Due to technical concerns, an EIS Addendum was required. The EIS Addendum was approved on May 5, 2015.

As well, the Hamilton Conservation Authority indicated that there was a need for a multi-use corridor within this area. This corridor would address both wildlife movement and facilitate the use of the area for recreational purposes linking this area to other areas that are a part of the City’s trail system. As a result, a 60 m corridor has been proposed to connect the Mount Albion Conservation Area lands with the Eramosa Karst Conservation Area lands. The applicant has agreed to this request and a portion of this multi-use corridor will be located on the subject lands. These agreements are also included as Conditions “4”, “5”, “34” and “35” of the Draft Plan of Subdivision Approval in Appendix “E” to Report PED16157.

City of Hamilton Plan of Subdivision Development

Policy F.1.14.1.2 of Volume 1 of the UHOP identifies that: “Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;



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- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*.”

With regards to subsection (a) above, the proposed Plan of Subdivision conforms to the policies and land use designations of the UHOP. With regards to (b), staff notes that this plan is within the City of Hamilton’s Staging of Development Plan and is included in the 2014-2016 development staging schedule.

In regards to F.1.14.1.2 (c), (d), (e) and (f) above, as has been previously discussed and subject to appropriate conditions, staff note that the proposed Draft Plan can be adequately serviced using existing services and facilities, subject to the proposed Draft Plan conditions and will not adversely impact the natural environment or transportation system, will be integrated with existing lands and roadways, and will not adversely impact municipal finances.

## **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections to the applications:

- Industrial Parks Group, Growth Planning, Planning and Economic Development;
- City Wide Services, Community and Emergency Services Department; and,
- Tax Administration / Banking Section, Corporate Services Department.

The following Departments and Agencies have provided comments on the applications:

### **Capital Budgets Section (Corporate Services Department)**

This development is subject to the sanitary sewer Summit Park 1 mainline fee of \$6,850.00 payable at permit issuance, severance, subdivision and / or site plan applications. Staff have included the above as Condition “47d.” of Appendix “E” to Report PED16157.

### **Forestry and Horticulture Section (Public Works Department)**

There are no Municipal Tree Assets located on the road allowance of this proposed development site however there are several private trees located on the development site and therefore a Tree Management Plan will be required.

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The Forestry and Horticulture Section request that a Tree Management Plan be prepared by a Certified Landscape Architect. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intentions regarding retention or removal. It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The inclusion of a quantity of photos on the Plan is encouraged; these will aid in referencing significant trees such as endangered species or woodlots to plotted locations. A detailed Tree Inventory Analysis Table should be included on the Plan.

The Forestry and Horticulture Section also requires a detailed Landscape Planting Plan prepared by a Certified Landscape Architect, showing the placement of trees on internal and external City property be provided. This plan should provide full planting details including the size and species of trees to be planted as well as hard surface and soft surface area percentages on the site.

These concerns have been included as Conditions "1" and "2" in Appendix "E" to Report PED16157.

**Corporate Assets and Strategic Planning Division – Operations Support**

Operations Support staff have advised that they do not have any comments concerning the proposed Zoning By-law Amendment. However, they have the following comments with regards to the Draft Plan of Subdivision application:

**Waste Collection**

Waste eligibility will be subject to compliance with the City's Solid Waste Management By-law 09-067. Please note the following design criteria:

- internal roads must have a pavement width not less than 6 m and have the necessary road surface strength to accommodate City waste collection vehicles;
- road layout shall be designed to permit the continuous forward movement of collection vehicles exclusive of any parking spaces and stored snow; and,
- road design with a 13 m radius turning circle, a drive through access route, or a turnaround area allowing for a maximum three-point turn are all acceptable options.

In addition, it is important to note that industrial developments are not eligible for municipal waste collection service. Operations Support staff will provide further waste collection comments at the development application stage when the property use is finalized.

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Road Programming (Encroachments)

The City's Encroachments on City Property Policy (the "Policy") discourages encroachments on City Property. Accordingly, the applicant is advised that all proposed buildings and other structures (including awnings, eaves and canopies), landscaping, fences, etc. must be constructed within the legal boundaries of the private property. It is incumbent on the applicant to determine the property lines. Any encroachments existing as of today's date that are not permitted under an Encroachment Agreement must be removed. Alternatively, the applicant may choose to apply to have the existing encroachments legitimized by applying for an Encroachment Agreement under the Policy.

**Source Protection Planning, Sustainable Initiatives Section (Public Works Department)**

Source Protection Planning (SPP) has received and reviewed the application and associated reports.

SPP will require that the proponent, with the assistance of a Qualified Person, conduct a groundwater monitoring program to assess the local impacts of development during and post-construction. The development shall be phased and the monitoring results considered before the next phase is approved. The monitoring program shall include monitoring wells that are strategically placed around the site to accurately characterize and monitor potential off-site impacts, including potential effects to groundwater quality and quantity. The monitoring program shall include the use of water level data loggers in the monitoring wells, supported by periodic manual readings upon which the data loggers may be calibrated. SPP suggests that the proposed monitoring program be submitted to SPP for review, prior to the commencement of the monitoring program, to ensure that it meets their requirements. Please note that the intent of the condition is not to control the phasing of the development per se, but is a practice of due diligence to ensure that the development is not negatively impacting the environment and if it is negatively impacting the environment that these issues are properly mitigated prior to moving forward. As such, the requirement of the monitoring program has been included as Conditions "3", "9", "24" and "32" in Appendix "E" to Report PED16157.

**Corporate Assets and Strategic Planning Division – Transportation Planning, Public Works Department**

Transportation Planning staff recommend that the City of Hamilton's New Urban Hamilton Official Plan be referred to, "Schedule C-2 - Future Road Widening, (Highland Road West 30.480 m from Pritchard Road to Proposed Trinity Arterial Corridor and Highland Road West and 26.213 m from Proposed Trinity Arterial Corridor to Upper Centennial Parkway) (Rymal Road East 36.576 m).

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The Trinity Church Arterial Corridor Class Environmental Assessment Study Report Phase 3 & 4 has established the right-of-way for Trinity Arterial Corridor as 60 m. This includes providing appropriate daylight triangles (Arterial to Collector or Arterial 12.19 m by 12.19 m).

The City of Hamilton has approved the Hamilton Pedestrian Mobility Plan, as a result this development must provide appropriate pedestrian amenities from the City's ROW to the building access points to encourage walking, and consider the needs of Pedestrians with disabilities (i.e. AODA regulations and barrier free designs). Sidewalks at a minimum of 1.5 m in width are required along both sides of the right-of-way and through the site. Further information regarding trees and their location will be needed.

The multi-use corridor design has not been finalized. Design requirements are addressed in Conditions "5", "8", "35" and "36" in Appendix "E" to Report PED16157.

This development should include Transportation Demand Management (TDM) initiatives, (i.e. provide adequate cycling facilities, convenient bike parking including secure spaces). The applicant should refer to the ROPA 9 study 2006 and the ROPA 9 Transportation Master Plan Review Addendum to 2006 Phase 1 and 2 Report April 2013, for the ultimate build out information (refer to the Rymal Road Planning Area Study (ROPA 9) Phase 3 & 4 study report, B1-Plans).

This development is along the S-line which is a future Rapid Transit project detailed in the Metrolinx Regional Transportation Plan. Due to the location adjacent to the proposed S-line rapid transit corridor, the development should contribute to a positive pedestrian environment and be consistent with the urban design policies detailed in the Urban Hamilton Official Plan. The pedestrian connections should be enhanced without having to cross a parking lot. Site amenities would also enhance the pedestrian environment (i.e. Benches, awnings etc.).

This development proposal should follow the approved Transit Oriented Development (TOD) guidelines, given the location, additional uses and / or increased density would be beneficial, especially given the proximity to the Rapid Transit S-Line.

**Landscape Architectural Services (Public Works Department)**

Landscape Architectural staff has noted that the application contains a portion of the East Mountain Trail Loop, an initiative to create a 10 km loop trail through the East Mountain Area. The path standard is 4 m wide asphalt to City standards.

As the proposal is for an industrial plan of subdivision, no parkland dedication is required for this application. However, the owner / applicant has the option to design / build the trail on behalf of the City. Should they agree to do so; the trail would

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require a Park Development Finance Agreement for reimbursement as a condition of subdivision agreement, also requiring council approval of the capital budget to allocate the funds to this project.

The owner / applicant has indicated that they are not interested in building the trail, as such the City will develop the trail system at a later date. All future design and planting details relating to this block should take into consideration the fact that a trail will be built in the future.

**Geomatics and Corridor Management Section (Public Works Department)**

The following has been provided with regards to each application:

**Zoning Application ZAC-14-006:**

Proposed driveway access points on Highland Road West and Street 'A' must be located a minimum of 70 m west of the proposed Upper Red Hill Parkway intersection. Secondary access on Upper Red Hill Parkway would be "granted on the condition that the lands along Rymal Road East are incorporated into the development plan and not left as stand-alone parcel requiring access to Rymal Road East. A Horizontal and Vertical Sightline Analysis was conducted and determined that the driveway would be feasible anywhere mid-Block 5.

**Conditions for Draft Plan of Subdivision 25T-201402:**

Corridor Management staff have advised that a daylight triangle dedication is required at the intersection of Highland Road West and the Upper Red Hill Parkway. Note that Part 6 of 62R-18648 has been identified however it appears that Part 6 on the plan is based on the existing 20.1 m ROW width of Highland Road West rather than the Official Plan designated 30.480 m. The daylight triangle should be based on the ultimate ROW width of Highland Road West and therefore any required road allowance widening and subsequent modification to the daylight triangle must be included on the draft plan.

As a condition of draft plan approval the urbanization of Highland Road West between the Upper Red Hill Expressway and Pritchard Road be required prior to the development of Block 1.

As a condition of draft plan approval the Applicant's street light design consultant shall contact the City's Project Manager of Street Lighting and Electrical Engineering prior to preparing their lighting plan to discuss the lighting options to reduce impacts to wildlife along the open space corridor.

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These have been addressed as Conditions “6”, “29”, and “30” in Appendix “E” to Report PED16157.

**Hamilton Conservation Authority (HCA)**

HCA has reviewed the application concurrently with the Losani Homes proposal east of the subject lands. It is their opinion that the Losani Homes proposal and Multi-Area Developments proposal are very much linked and should be considered comprehensively.

HCA staff has reviewed the draft Zoning By-law Amendment proposed by A.J. Clarke and Associates on behalf of the applicant. In general terms they are supportive of the proposed Zoning By-law with one exception. It is their preference that the lands currently zoned Open Space P4 remain zoned as such to allow for a greater width for the multi-use corridor while accommodating the stormwater management pond within the corridor. As outlined in their March 21, 2014 correspondence, maintaining these lands to facilitate a fully functional multi-use corridor should be given consideration. Planning staff note that due to the inclusion of the storm water management facility within the multi-use corridor, rezoning the lands to Conservation / Hazard (P5) Zone will permit flood erosion control facilities. In addition, the P5 Zone will allow for passive recreation uses.

As it relates to the application for Draft Plan of Subdivision approval, HCA staff has no objection to the approval of the Draft Plan of Subdivision with one exception. Consideration should be given to revising the layout and extent of Block 2 of the Draft Plan of Subdivision to include the lands currently zoned Open Space P4 immediately north of Block 2 and currently shown as part of Block 1. Planning staff note that the application was subsequently amended to include the multi-use corridor and finalized design details are addressed through HCA’s special conditions of the Draft Plan of Subdivision Approval. HCA requirements are identified in Conditions “32 – 40” in Appendix “E” to Report PED16157 and include the following:

1. A Hydrogeology Study is required to the satisfaction of the Hamilton Conservation Authority (HCA). This study should include the identification of the hydrologic features and functions in the area, including wetland, creeks, karst external drainage and how they will be incorporated with the development.
2. A Water Balance Study is required to the satisfaction of the HCA. This is required for the site to maintain the water regime. Consideration of the karst features is also required as part of this assessment.
3. A Functional Servicing Study and a Storm Water Management Plan is required to the satisfaction of the HCA. The purpose is to maintain the integrity of the

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features on site and continuation of their function as identified in the Hydrogeology Study.

4. A detailed design / restoration plan including a natural channel design for the multi-use corridor is to be completed to the satisfaction of the HCA.
5. A specific monitoring plan is required to the satisfaction of the HCA. The monitoring plan will monitor the design of the multi-use corridor and its effectiveness in the movement of wildlife.
6. A Grading Plan and Erosion and Sediment Control Plan is required for the subject lands and should be prepared to the satisfaction of the HCA. The Grading Plan and the Erosion and Sediment Control Plan should include provisions and allowances for the phasing of the development over time.
7. A Karst Assessment Study is required and should be prepared to the satisfaction of the HCA.
8. That the required permits for the development of the subject lands shall be obtained as required from the HCA pursuant to the HCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04.

**Hydro One**

Hydro One Networks Incorporated (HONI) has reviewed the application in full and has provided the following comments:

The conditions detailed herein do not constitute an endorsement of any element of subdivision design or road layout, nor do they grant permission to proceed with works on the transmission corridor lands. HONI, in its capacity as the statutory easement holder, has completed a cursory review of the materials / plans provided and the following conditions to be included in a formal subdivision agreement as Conditions of Draft Approval:

1. Prior to final approval, copies of the lot grading and drainage plan, showing existing and final grades, must be submitted to HONI in triplicate for review and approval. Drainage must be controlled and directed away from Ontario Infrastructure Lands Corporation (OILC) / HONI transmission corridor.
2. Temporary fencing must be installed along the edge of the transmission corridor prior to the start of construction at the developer's expense.

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3. Permanent 1.5 m fencing must be installed along the mutual property line after construction is completed at the developer's expense.
4. Ontario Realty Corporation (ORC) / HONI transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of OILC. During construction there will be no storage of materials or mounding of earth, snow or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
5. This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP), HONI, as OILC's Service Provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for a road crossing be granted, the subdivider shall then make arrangements satisfactory to OILC / HONI for the dedication and transfer of the proposed road allowance directly to the (municipality) of Hamilton. Access to, and road construction on the OILC / HONI transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

6. The cost of any relocations or revisions to HONI facilities that are necessary to accommodate this subdivision will be borne by the developer.
7. If the proposed development is within close proximity to a Transmission or Distribution station the following applies:
  - a. The Developer hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Developer with any purchaser(s) of any unit or proposed unit in the Development contains the following notice/warning provisions 9 or clauses substantially similar thereto in all respects), namely: "Each unit purchaser and / or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be 9 or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned and / or operated by HONI may result in noise, vibration, electro-



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magnetic interference and stray current transmissions (hereinafter collectively referred to as the "Interferences") to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development. Notwithstanding the above, each unit purchaser and/or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgements or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not accept any responsibility or liability for any of the Interferences in respect of this Development and / or its occupants. Furthermore, there may be alterations and / or expansions by HONI to its facilities and / or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser's respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor / Declarant.

- b. The Developer covenants and agrees that so long as the City does not object thereto, the language set out in Section 7(a) hereof (or language substantially similar thereto) shall also be included in the Site Plan Agreement entered into by the Developer with the City of Hamilton to be registered on title to the Development.

In addition, it is requested that the following be added as a Note to the Conditions of Draft Approval:

The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 m (20 ft) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 m (15 ft), and for 115 kV conductors it is 3 m (10 ft). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

These above conditions are further outlined in Conditions "41 - 48" in Appendix "E" to Report PED16157.

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**Union Gas**

Union Gas has reviewed the application and has requested that as a condition of final approval that the owner / developer provide to Union the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union Gas.

It is noted that Section 1.21 "Utility Installations" of the Standard Form Subdivision Agreement addresses this requirement.

**Trans-Northern Pipelines Inc.**

Trans-Northern's petroleum products transmission pipeline occupies the Hydro One corridor, and the pipeline itself is located roughly 25 m to the westerly limit of the subject lands. Trans-Northern has no objection to the proposal for rezoning or draft plan of subdivision. However, they note that should the development involve drainage or other works or improvements extending onto the western half of the Hydro One Corridor, they would be subject to regulations under Section 112 of the National Energy Board Act and should contact Ontario One Call to request a pipeline locate. The following comments were provided for informational purposes:

1. The road crossing would have to be designed and realized in accordance with the National Energy Board Act (s. 112) and the Pipeline Crossing Regulations. If the road were otherwise acceptable to the landowner (Infrastructure Ontario / Hydro One Networks Incorporated), the pipeline crossing would be relatively routine providing its design met clearance and other technical requirements outlined in the attached Pipeline Crossing Guidelines. (That would also apply to any other infrastructure in the road allowance.) Grade conflicts requiring relocation, modification or lowering of the pipeline could trigger mitigation, regulatory, cost or timing issues so early application would be recommended.
2. Some adjustment of land rights might be necessary depending on the intended status of the proposed road allowance. If it were to be acquired by easement, then that easement should be taken subject to Trans-Northern's easement rights. Trans-Northern might ask for explicit confirmation in the transfer. If it were to be transferred to the City or other public authority for dedication as a public highway then a crossing agreement addressing maintenance rights, safety, liability and costs might be required in addition to the crossing permit. If it were to be transferred to private ownership, then a new or amended pipeline easement might first be needed.
3. In general, Trans-Northern would not object to ecological linkages or wildlife corridors over its pipeline. That said, planting schemes and vegetation management issues would have to be explored. Trans-Northern would object to

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woody plantings over the pipeline and would have to maintain sight lines along the pipeline with ready access for pipeline inspection, maintenance or emergency response. Trans-Northern would also discourage management to establish noteworthy species whose presence might subsequently be a regulatory or practical obstacle to pipeline operations.

Accordingly, other issues might arise on consideration of site conditions, concept or preliminary design drawings.

### **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 24 property owners within 120m of the subject property on February 28, 2014, for the proposed Zoning By-law Amendment Application and for approval of a Draft Plan of Subdivision. A Public Notice sign was also posted on the property on February 25, 2014, and updated on July 13, 2016, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

To date, one letter of concern has been received from a group who expressed concerns regarding potential sensitive land uses locating on this site and being in potential conflict with a proposed funeral home they are hoping to erect, east of the hydro corridor. This proposed development will have no negative impact on the neighbouring future application, as no residential or sensitive land uses are associated with this development. Staff feel these concerns have been satisfactorily addressed.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe as it represents an opportunity for growth in Settlement Areas;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community through the provision of a range of employment uses and opportunities, making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary, while also preserving, enhancing and / or replicating

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natural heritage features and linkages, through the inclusion of a multi-use corridor.

2. The application for Draft Plan of Subdivision seeks approval to establish an Industrial Plan of Subdivision to create two blocks for future employment use (Blocks 1 and 5); one block for a multi-use corridor containing a storm water management facility (Block 2); a 0.30 m reserve (Block 3); a temporary turnaround (Block 4); a road widening and daylight triangle (Block 6); and one new street (Street "A").
3. The applicant has requested a Zoning By-law amendment to City of Hamilton Zoning By-law No. 05-200 and the City of Hamilton Zoning By-law No. 6593 for the following:
  - a change in zoning from the Prestige Business Park (M3, H28) Zone - Holding to Business Park Support (M4) Zone, Modified (Blocks 1 and 5) to permit a range of industrial and commercial uses including financial establishments, a medical clinic, personal services, retail uses, as well as provide for modifications to the regulations for restaurants and showrooms (Appendix "B" to Report PED16157);
  - a change in zoning from Open Space (P4) Zone to Business Park Support (M4) Zone, Modified (Block 2) to permit a range of industrial and commercial uses including financial establishments, a medical clinic, personal services, retail uses, as well as provide for modifications to the regulations for restaurants and showrooms (Appendix "B" to Report PED16157);
  - a change in zoning from Open Space (P4) Zone to Conservation / Hazard Lands (P5) Zone (Block 3) to permit a multi-use corridor including a storm water management facility (Appendix "B" to Report PED16157);
  - a change in zoning from Open Space (P4) Zone to Business Park Support (M4) Zone, Modified (Block 4) to provide for Street "A" to be located south of the multi-use corridor and align with the a future street being constructed east of the Upper Red Hill Valley Parkway (Appendix "B" to Report PED16157);
  - a change in zoning from the Prestige Business Park (M3) Zone to Business Park Support (M4) Zone, Modified (Block 6) to permit a range of industrial and commercial uses including financial establishments, a medical clinic, personal services, retail uses, as well as provide for

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modifications to the regulations for restaurants and showrooms (Appendix "B" to Report PED16157); and,

- a change in zoning from "M-11" (Prestige Industrial) District to "M-11" (Prestige Industrial) District, Modified (lands municipally known as 1603 Rymal Road East) in order for the modified regulations sought for lands municipally known as 99 Highland Road West and 665 Pritchard Road (subject to Zoning By-law No. 05-200) to also apply to these lands.

#### Change in Use to M4 Zone

The requested change in zoning from Prestige Business Park (M3) Zone to Business Park Support (M4) Zone provides the four additional uses being sought (financial establishment, medical clinic, personal services and retail). As per the policies of E.5.4.1 and the permitted uses of E.5.4.3(c) of the UHOP, additional 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 stations, retail establishments, and commercial parking facilities are permitted.

The change in use to permit the additional requested uses (financial establishment, personal services, and retail) are permitted by the UHOP policies, and in addition, are to be supportive / ancillary in nature. The proposed zoning (Business Park Support – M4 Zone) specifies that these uses are only permitted on the ground floor of a building or located at grade on any lot. Further, the proposed zoning (Business Park Support – M4 Zone) only permits a maximum gross floor area of 500 sq m for retail uses.

With respect to the request for a medical clinic for Blocks "1, 5 and 6 (665 Pritchard Road)", staff are of the opinion that this would constitute an office use that supports both business and employees within the business park as permitted by the UHOP and is also supportable. Medical clinic uses would be restricted to a maximum combined total gross floor area of 3,000 sq m on a lot, as per the M4 Zone regulations.

These additional requested uses function as supportive uses to the predominant employment uses and are therefore in keeping with the intent of the Official Plan.

Lastly, to allow for flexibility in design and tenants and, as showrooms are undefined, the applicant proposes the following zoning modifications:

- to establish a maximum gross floor area for Office use within an individual building, excluding accessory office of 9,999 sq m; and,

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- to establish a Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area to 50% of the gross floor area of the principal use.

The modified scale and size for Office use is supported in Policies E.5.4.5 c) and E.5.4.5 d) of the Official Plan. Accessory Retail and Showroom Area are not defined in the Official Plan and the proposed modifications to the restrictions generally comply with the intent of the zoning by-law and can be supported.

It should be noted that a portion of the lands are subject to a Holding "H" Provision, which will be removed as part of the rezoning, as the owner has completed a hydrogeological and geotechnical study to the satisfaction of the Director of Development Engineering, in consultation with the Senior Director of Water and Wastewater Division, and the Planning Director of the Hamilton Conservation Authority. In addition, the owner has submitted a functional servicing report to the satisfaction of the Senior Director of Growth Management. Although the Holding Provision may be removed at this time, further refinements to these studies are required as outlined in Conditions "13", "14", "27", "23", "28", and "31" of Appendix "E" of Report PED16157.

Open Space (P4) Zone to the Conservation / Hazard Lands (P5) Zone

In order to service the subject lands, a stormwater management facility is required within Block "2". Staff note that the current Open Space (P4) Zone applying to this block does not allow for a stormwater management facility and therefore necessitates a change to the Conservation / Hazard Lands (P5) Zone to permit a Flood and Erosion Control Facility.

It should be noted the storm water management facility is proposed within the Open Space designation on Schedule E-1 – Land Use Designations, of the Urban Hamilton Official Plan. As discussed in the Policy Implications and Legislated Requirements section of this Report, prior to the registration of the plan of subdivision, the storm water management facility will be conveyed to the City and is therefore permitted in all land use designations (Policy C.3.2.1).

As such, staff conclude that the rezoning of the lands to facilitate the location of the proposed storm water management facility is reasonable.

Open Space (P4) Zone to Business Park Support (M4) Zone

In order to access the subject lands south of the multi-use corridor, a public street is required off of Upper Red Hill Valley Parkway. In order to align the proposed Street "A" with a future street being constructed east of the Upper Red

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Hill Valley Parkway, a portion of the subject lands located directly south of the street will require a change in zoning from Open Space (P4) Zone to Business Park Support (M4) Zone, Modified (Block 4) and will facilitate consolidating the remaining segment not used for Street "A" with the developable block to the south (Block 5).

It should be noted that Street "A" falls wholly within the Open Space designation on Schedule E-1 – Land Use Designations, of the Urban Hamilton Official Plan. As discussed in the Policy Implications and Legislated Requirements section of this Report (PED16157), Policy C.3.2.1 permits municipal infrastructure among other things to be permitted in all land use designations. The remaining lands to be rezoned fall within the Business Park designation.

As such, staff conclude that in accordance with the above noted policy, rezoning this portion of the subject lands for the purposes of creating a public street to access the site is reasonable and appropriate.

4. Tree Inventory and Preservation

Planning staff reviewed the Tree Inventory and Preservation Plan, prepared by Jeremy Jackson, certified arborist (December, 2013). The Tree Inventory and Preservation Plan identified that approximately 81 trees will need to be removed from the property to facilitate development. This is in addition to approximately 60 trees that were required to be removed to facilitate the Upper Red Hill Valley Parkway extension. Based on the City's Tree Protection Guidelines (Revised October 2010), the City requires 1 for 1 compensation for any tree that has a diameter-at-breast-height (DBH) of 10 cm or greater that will be removed. As a result, 81 trees would be required for compensation. The multi-use corridor would provide an opportunity to plant these compensation trees. For any trees that cannot be accommodated on site, (i.e. no space), cash-in-lieu would be required to be provided to the City. To accommodate these adjustments Planning staff require a revised Tree Protection Plan including updated mapping based on the preliminary information provided. This requirement has been addressed as Condition "1" of Appendix "E" of Report PED16157.

5. Landscape Plan

Planning staff also require a Landscape Plan, which will provide details of the species and location of trees. Planning staff are requesting that trees required for compensation should be native and representative of the area, to enhance the diversity of tree species within the City. These trees would include Bur Oak, Bitternut Hickory and Shagbark Hickory. Ash species are not recommended for

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replanting due to the threat of the Emerald Ash Borer. This requirement is addressed as Condition "2" of Appendix "E" of Report PED16157.

6. Multi-Use Corridor

The multi-use corridor will provide more diverse habitat for flora and fauna as well as an opportunity to provide for a passive recreation link that is crucial for quality of life. In principle, staff supports the multi-use corridor and the combined proposed stormwater management facility. As part of the future management of this area, staff requires that the multi-use corridor be maintained in order to sustain the function of the corridor and require a detailed design / restoration plan and a monitoring plan.

These conditions of Draft Plan of Subdivision Approval are included in Appendix "E" of Report PED16157, as Conditions "4", "5", "20", "35" and "36". The applicant is aware of these conditions and is agreeable to fulfilling these requirements.

7. Karst Assessment

A hazardous site (karst topography exhibited by a sinkhole) has been observed on the subject property. In response to some technical concerns an updated Karst and Hydrogeological Assessment (Terra-Dynamics Consulting Inc., November 14, 2014) was submitted.

After reviewing the updated Karst Assessment, staff require that prior to preliminary grading or servicing, the Owner / Developer implement the mitigation recommendations within Sections 4 and 7 of the Terra Dynamics Consulting Inc. (November 14, 2014) Report, to the satisfaction of the Senior Director of Growth Management.

These requirements are addressed Draft Plan of Subdivision Approval Conditions "3", "22", "23", "24", "25", "26", "32", "33" and "38" of Appendix "E" of Report PED16157.

8. Water

Development Engineering staff have identified an existing 400 mm watermain on Highland Road West. In accordance with City standards, the proposed watermain on Street "A" must be looped.

Static pressures at the street lines are on the average in the range of 88-92 psi. The Owner shall submit a watermain hydraulic analysis, as referenced in the



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revised FSR. The hydraulic modelling and analysis shall be undertaken at pressure district (PD7) level under current and near future (2021) demand conditions.

### Wastewater

Development Engineering staff have advised there is no sanitary sewer available to service the subject lands. Servicing can proceed upon installation of services within the developed lands located westerly, known as 1831 Rymal Road East (Losani Highlands).

According to the FSR the site will drain into the sanitary sewer constructed on Street 'A' and outlet into the sanitary sewer to be constructed within the Losani Highlands and then along Highland Road West, into the existing sanitary trunk sewer located west of Winterberry Drive.

Block 1 will drain southerly via a private drain along the westerly portion of Block 2 (SWM facility) and outlet into the proposed sanitary sewer to be constructed on Street "A". A 9 m easement will be required for the installation of the sanitary sewer across Block 2.

There is an existing 375 mm sanitary sewer along Highland Road West abutting the subject lands. The FSR shows that a portion of Block 1 will drain southerly and the remaining portion will drain to the existing sanitary on Highland Road West. The City requires confirmation that the existing sanitary sewer has capacity to take this flow.

The FSR does not indicate how all of the lands to the west of the hydro corridor and east of Pritchard Road will be accommodated except for 1.638 ha south of future Street 'A'. Therefore it will need to be updated within 90 days of draft plan approval. Also, lands south of Block 5 have not been accounted for in the overall sanitary drainage area plan. Therefore, the Owner shall verify and confirm the sanitary outlets for the southern lands along Rymal Road East, municipally known as 1603 Rymal Road East and 665 Pritchard Road.

This has been addressed as Conditions "14", "17" and "21." of the Draft Plan of Subdivision Approval in Appendix "E" to Report PED16157. In addition, while not directly related to wastewater servicing, Development Engineering also require a dust control plan prior to servicing of the lands. This condition is included on Appendix "E" to Report PED16157, as Condition "10".

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Storm Water

Development Engineering staff have identified there are existing 450 mm and 525 mm storm sewers along Highland Road West abutting the subject lands.

The Owner will be required to submit an updated FSR within 90 days of draft plan approval to confirm the functional servicing and functional grading of each block including required LID's to meet the water balance requirements.

Further, the updated FSR needs to indicate how all of the lands west of the hydro corridor and east of Pritchard Road and south of Block 5 will be accommodated for in the overall storm drainage area plan. The storm outlets for the City Lands adjacent to Rymal Road East must be confirmed.

The storm stub sizing calculations for each block must be verified since they appear to be undersized. These sewers should be designed to accommodate a minimum one in five year storm event flow. In order to avoid potential flooding on Street "A", the major system flows (100 year event) must be captured and diverted to the main cell of the pond by-passing the forebay.

This requirement has been addressed as Condition "34" of the Draft Plan of Subdivision Approval in Appendix "E" to Report PED16157.

SWM Facility

Development Engineering staff recommend that a single inlet into the forebay to align the flow direction along its length should be considered. The pond inlet pipe should be designed to convey the minimum of the five year storm flows. To prevent road flooding, the 100 year flows can be captured and diverted to the main pond by using a flow splitter. The pond geometry must be designed in accordance with the City of Hamilton's Comprehensive Guidelines 2016 and the current MOEEC guidelines.

A major overland flow route should be shown for Block 1. A functional grading plan for all the blocks should be submitted which will confirm the depth of cover on the storm and sanitary sewers, drainage patterns and overland flow routes to the proposed SWM facility. The grading plan should also indicate and match the grades of the subject lands along the Upper Red Hill Valley Parkway.

In the SWM facility dispersion length calculation, the greater of the two flows was applied in the calculation. The purpose of the calculation is to determine the dispersion length required to dissipate the fluid jet to a velocity of 0.5 m/s when it

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reaches the forebay berm. The fluid jet being evaluated should be based on the total inflow, not the greater of the two in the case of two inlets.

The minimum forebay bottom width (Forebay Width = Forebay Length / 8) has not been verified. In the average forebay velocity calculation, the total inflow to the forebay shall be used. Clarification of how the pipe sizing has been established for the servicing of Block 1 and Block 2 is required, as no calculations have been provided.

Environmental Compliance Approval (ECA) will be required from the Ministry of the Environment and Climate Change (MOECC) prior to the construction and operation of any stormwater management facilities located within each developable block. These lands are not exempted from an ECA, as they are zoned Industrial, unless an ECA for the proposed SWM facility covers the requirements.

This has been addressed in Conditions "12", "13", "16" and "17" of the Draft Plan of Subdivision Approval in Appendix "E" to Report PED16157.

#### Transportation

Development Engineering staff have confirmed that the existing width of Highland Road West adjacent to the subject lands is 66 ft (20.12 m). The ultimate right of way width will be 100 ft. (30.48 m). This roadway is a rural cross section but will be upgraded to a full urban cross section as a requirement of this development.

Street "A" must have a right of way of 26 m. Block 4 on the south side of Street 'A' will be transferred to the City for purposes of creating a temporary turning circle which will be removed when Street 'A' is extended to connect to Pritchard Road.

The Owner will be required to extend the 4 m multi-use path along the north side of Street "A" as a continuation of the path constructed on the east side of the Red Hill Valley Parkway.

This has been addressed as Conditions "7", "18" and "20" of the Draft Plan of Subdivision Approval in Appendix "E" to Report PED16157.

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9. Bell Easement

There is a Bell easement that traverses the westerly section of Street "A". The Owner will be required to enter into an agreement with Bell to discharge the easement and have the cable relocated, all at the developer's cost.

This has been addressed as Condition "22" of the Draft Plan of Subdivision Approval in Appendix "E" to Report PED16157.

10. Cost Sharing

In accordance with City financial policies, the City of Hamilton will share costs as follows:

1. The City will not cost share with the owner for the stormwater management facility (land & construction) for industrial lands, in accordance with the City's Development Charge Policy for quality and quantity ponds.
2. The City will cost share for oversizing in accordance with the City's financial policy.
3. The City will pay for the construction of Street "A" from the west limit of the subdivision to Pritchard Road.

This has been addressed as Conditions "11", "13", "15" and "18" of the Draft Plan of Subdivision Approval in Appendix "E" to Report PED16157.

## **ALTERNATIVES FOR CONSIDERATION**

If the applications are denied, the applicant would be able to develop the existing lands for industrial development in accordance with the Prestige Business Park (M3, H28) Zone and Open Space (P4) Zone, subject to lifting of the "H" Holding Provision for the industrially zoned portion of the subject lands.

## **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.*

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**Strategic Objective**

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Zoning By-law 02-500 Amendment (99 Highlands Road and 665 Pritchard Road)
- Appendix "C": Zoning By-law 6593 Amendment (1603 Rymal Road East)
- Appendix "D": Draft Plan of Subdivision
- Appendix "E": Special Conditions
- Appendix "F": Correspondence

:TS/mo