



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2018
SUBJECT/REPORT NO:	Application to Deem 1428 and 1444 Sandhill Drive, Being Lots 8 to 11, Inclusive, of Registered Plan No. 62M-630, "Stanlow Industrial Park, Phase 1," Not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the <i>Planning Act</i> (Ancaster) (Ward 12) (Ward 12) (PED18041)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Alvin Chan (905) 546-2424 Ext 2978
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to deem 1428 and 1444 Sandhill Drive (Ancaster), being Lots 8 to 11, inclusive, of Registered Plan No. 62M-630, "Stanlow Industrial Park, Phase 1," not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix "A" to Report PED18041, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal to deem Lots 8 to 11, inclusive, of "Stanlow Industrial Park, Phase 1," Registered Plan 62M-630, not to be part of a registered plan of subdivision, for lands known as 1428 and 1444 Sandhill Drive, is consistent with the Provincial Policy Statement (2014), and complies with the Urban Hamilton Official Plan.

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EXECUTIVE SUMMARY

The Owner / Applicant has submitted an application for a By-law in order to deem 1428 and 1444 Sandhill Drive, being Lots 8 to 11, inclusive, of Registered Plan of Subdivision 62M-630, “Stanlow Industrial Park, Phase 1,” not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*.

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

In review, the Plan of Subdivision “Stanlow Industrial Park, Phase 1” was registered on September 21, 1989, being more than the required eight (8) years. Accordingly, the purpose and effect of the application is to allow for the parcels of land 1428 and 1444 Sandhill Drive (being Lots 8 to 11, inclusive of 62M-630) to merge, in order to accommodate proper land titles for these parcels, and their corresponding corporate ownership details. As such, staff is supportive of the proposed By-law.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Per the *Planning Act*, a Public Meeting is not required to consider a By-law to designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

A copy of this By-law will be lodged with the Minister of Municipal Affairs and Housing.

Additionally, a certified copy or duplicate copy of this deeming By-law will be registered against the title to the lands in the proper registry office, and

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this By-law shall not take effect until this requirement has been complied with.

Lastly, notice of passing of this By-law will be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law applies, which notice shall be sent to the last known address of each such person, by registered mail.

HISTORICAL BACKGROUND

Proposal

The subject lands, 1428 and 1444 Sandhill Drive, totalling 1.005 hectares, are located on the south side of Sandhill Drive and to the west of Tradewind Drive, as identified on Appendix “A” to Report PED18041.

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

The Owner / Applicant has therefore submitted an application pursuant to Subsection 50(4) of the *Planning Act*, for approval of a By-law to deem Lots 8 to 11, inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*.

In review, the Plan of Subdivision “Stanlow Industrial Park, Phase 1” was registered on September 21, 1989, being more than the required eight (8) years under Subsection 50(4) of the *Planning Act*.

Accordingly, the purpose and effect of the application is to allow for the parcels of land 1428 and 1444 Sandhill Drive (being Lots 8 to 11, inclusive of 62M-630) to merge, in order to accommodate proper land titles for these parcels, and their corresponding corporate ownership details. As such, staff supports the proposed By-law.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Chronology:

December 13, 2017: Application to deem Lots 8 to 11, inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act* submitted and deemed complete.

Details of Submitted Application:

Location: 1428 and 1444 Sandhill Drive
(See Appendix “A” to Report PED18041)

Owner/Applicant: 2394690 Ontario Inc.

Agent: UrbanSolutions Planning and Land Development
Consultants Inc. (c/o Matt Johnston)

Property Description:

<u>Lot Frontage:</u>	Lot 8	– 50 m
	Lot 9	– 30 m
	Lot 10	– 30 m
	Lot 11	– 31 m
<u>Lot Depth:</u>	Irregular	
	Lot 8	– 83.761 m
	Lot 9	– 81.719 m
	Lot 10	– 85.451 m
	Lot 11	– 85.451 m
<u>Lot Area:</u>	Lot 8	– 1861.097 m ²
	Lot 9	– 2281.163 m ²
	Lot 10	– 2444.371 m ²
	Lot 11	– 3461.353 m ²
	Total	– 1.005 Ha
<u>Servicing:</u>	Existing Full Municipal Services	

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Industrial Lands	General Business Park (M2) Zone
<u>Surrounding Land Uses:</u>		
North	Industrial Lands	General Business Park (M2) Zone and Prestige Business Park (M3) Zone
South	Vacant Industrial Lands	General Business Park (M2) Zone and Conservation/Hazard Lands (P5) Zone
East	Industrial Lands	General Business Park (M2) Zone
West	Industrial Lands	General Business Park (M2) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Of note, there are no proposed changes to the existing buildings and / or industrial use of the subject lands.

As the proposal is to deem Lots 8 to 11, inclusive, of Draft Plan of Subdivision “Stanlow Industrial Park, Phase 1,” Registered Plan No. 62M-630, not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the merger and proper land titles for these parcels with corresponding corporate ownership details, the proposal is consistent with the Provincial Policy Statement and is supported by staff.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Lands” on Schedule “E” – Urban Structure and are designated as “Business Park” on Schedule “E-1” – Urban Land Use Designations of Volume 1 of the Urban Hamilton Official Plan. As noted above, there

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are no proposed changes to the existing building and / or industrial uses of the subject lands.

In review, Policy F.1.14.1.5 of Volume 1 of the Urban Hamilton Official Plan states:

“If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the *Planning Act* to deem it not be a registered plan of subdivision.”

Accordingly, the Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” was registered on September 21, 1989 and therefore conforms to the requirement of eight (8) years or more of the plan having been registered.

Therefore, the proposal to deem Lots 8 to 11, inclusive, of Registered Plan 62M-630, not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the merger and proper land titles for these parcels with corresponding corporate ownership details, conforms with the Urban Hamilton Official Plan and is supported by staff.

RELEVANT CONSULTATION

Due to the nature of the application, only Legal Services was consulted.

PUBLIC CONSULTATION

Due to the nature of the application and per the *Planning Act*, public notice is not required for the subject application. Notice of the By-law is to be given to the Owner within thirty (30) days of the passing thereof by registered mail as prescribed in the proposed By-law attached as Appendix “B” to Report PED18041. Of note, the By-law will come into force and effect upon registration on title.

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 (2014);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,

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- (iii) The proposed By-law will permit the continued use of the parcels for industrial purposes which are compatible with existing land uses in the immediate area and represents good planning.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lots would remain within the existing Registered Plan of Subdivision 62M-630, “Stanlow Industrial Park, Phase 1.”

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: By-law

AC/sd