



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-016, by 1932376 Ontario Inc., c/o Ted Valeri, (Owner)**, to remove the “Core Areas” and “Linkages” designation on Schedule B – Natural Heritage System; and, to remove the “Key Natural Heritage and Key Hydrologic Feature Wetlands” designation on Schedule B-4 – Detailed Natural Heritage Features Wetlands; and, to permit the requested permitted uses on a local road, for the lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix “A” to Report PED18150, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
- (b) That **Amended Zoning By-Law Amendment Application ZAC-05-063, 1932376 Ontario Inc., c/o Ted Valeri, (Owner)**, for changes in zoning from General Business Park (M2) Zone to Conservation / Hazard Lands (P5) Zone

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and General Business Park (M2, 611) Zone (Block 1); and from Conservation / Hazard Lands (P5) Zone to General Business Park (M2, 611) Zone (Block 2), in order to permit additional uses, and the removal of a portion of a natural heritage feature, for lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix "A" to Report PED18150, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe and comply with the Region of Hamilton-Wentworth Official Plan and the Former Town of Ancaster Official Plan; and, will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No.____;
- (c) That **Amended Draft Plan of Subdivision Application 25T-200512, by 1932376 Ontario Inc., c/o Ted Valeri, (Owner)**, to establish a Draft Plan of Subdivision on lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix "A" to Report PED18150, be **APPROVED** subject to the following conditions:
- (i) That this approval apply to "Valery Ancaster Business Park", 25T-200512, prepared by UrbanSolutions Planning and Land Development Consultants Inc., and certified by B.J. Clarke, O.L.S., dated February 27, 2017, showing 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), one block for a one-foot reserve (Block 13), two proposed streets (Streets "A" and "B"), and the extension of Cormorant Road, attached as Appendix "F" to Report PED18150, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Conditions attached as Appendix "D" to Report PED18150;
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
 - (a) There is a City share for the proposed SWM facility for the land cost which is set at \$250K per acre with an upset limit of 60% for the land and construction costs, including soft costs; and,

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- (b) There is a City share for the installation of the extension of Cormorant Road from the west limits of the subject lands to the east limit to Trinity Road South, at 100% cost of servicing works, excluding culvert design and installation costs.

EXECUTIVE SUMMARY

On June 10, 2005, the owner / applicant submitted applications for a Zoning By-law Amendment (ZAC-05-063) and for approval of a Draft Plan of Subdivision (25T-200512), for lands located at 620 Tradewind Drive, within the Former Town of Ancaster, which were deemed complete on June 28, 2005.

The applications were put on hold, pending completion of a Municipal Class Environmental Assessment for the extension of Cormorant Road, which was filed by the City on February, 2015, and revised in October, 2015. The owner / applicant has subsequently amended the applications for a Draft Plan of Subdivision and Zoning By-law Amendment, and incorporated the established alignment of the extension of Cormorant Road into the Draft Plan.

As the applications were submitted prior to the Council adoption and subsequent OMB approval of the Urban Hamilton Official Plan, the owner / applicant has also asserted the “Clergy” principle, whereby the application is to be reviewed against the policy documents applicable at the time of submission of a complete application, being the Provincial Policy Statement (2014); Region of Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

To reflect the outcome of the evaluation of the current proposal and associated studies, an Urban Hamilton Official Plan Amendment is required to remove reference to natural heritage features identified on the subject lands; and, to permit the requested additional supporting ancillary uses on a local road.

In review of the amended applications, staff have requested further amendments to the Zoning By-law Amendment Application with respect to requested additional uses. In particular, the request for stand-alone retail has been removed, and restrictions to “Restaurants” and “Motor Vehicle Service Stations” have been included.

In addition, the owner / applicant has further amended the Draft Plan of Subdivision to remove a landlocked block and has merged it with an adjacent development block.

The proposed Urban Hamilton Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision have merit and can be supported, since the proposal is consistent with the PPS (2014), and the Growth Plan for the Greater Golden Horseshoe, and will

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comply with the Urban Hamilton Official Plan, subject to the approval of the proposed Official Plan Amendment.

Alternatives for Consideration – See Page 31

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject lands, 620 Tradewind Drive, totalling approximately 19.88 ha, are located west of Tradewind Drive, north of the current terminus of Cormorant Road, south of Sandhill Drive, and east of Trinity Road South.

The original applications dating from 2005, proposed a change in zoning to the Ancaster Zoning By-law No. 87-57, from the “M3” (Light Industrial) and “M4” (General Industrial) Zones to a site specific “M4” (General Industrial) Zone, in order to allow for additional uses. In 2010, the lands were rezoned to the General Business Park (M2) Zone under Zoning By-law No. 05-200. In June 14, 2006, the Conservation / Hazard Lands (P5) Zone was applied to a proportion of the subject lands. The proposed Draft Plan of Subdivision was comprised of three blocks for General Industrial purposes, a proposed street (Street “A”) and the extension of Cormorant Road, attached as Appendix “E” to Report PED18150.

The applications were put on hold pending completion of a Municipal Class Environmental Assessment for the extension of Cormorant Road, which was subsequently completed by the City in February, 2015 and revised in October, 2015.

Accordingly, the owner / applicant has amended the applications for Amendment to the Zoning By-law to reflect the current and proposed zoning, and for approval of a Draft Plan of Subdivision, to reflect the alignment of the extension of Cormorant Road.

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The amended application for a Draft Plan of Subdivision is to establish 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), a one foot reserve (Block 13), two proposed streets (Streets "A" and "B"), and the extension of Cormorant Road, as shown on Appendix "F" to Report PED18150.

The amended Zoning By-law Amendment Application is for changes in zoning for a portion of lands within the Conservation / Hazard Lands (P5) Zone and from the General Business Park (M2) Zone to a site specific General Business Park (M2) Zone, in order to recognize the removal of a portion of a natural heritage feature, based on the submitted supporting studies, and to add the following uses: Restaurant, Office, Retail, Medical Clinic and Motor Vehicle Service Station. Through review and in discussion with the applicant, the owner / applicant has agreed to maintain the current permissions under the General Business Park (M2) Zone with respect to "Retail".

With respect to a "Restaurant," the owner / applicant has agreed to a "Restaurant within a multi-unit building and the prohibition of any stand-alone restaurants".

Finally, with respect to a "Motor Vehicle Service Station," the owner / applicant has also agreed to modifications to the definition to limit the scope of the requested "Motor Vehicle Service Station" to repairs and replacements for motor vehicles, without the sale of fuels, automotive accessories and / or convenience goods.

Notwithstanding the above, the Urban Hamilton Official Plan currently identifies natural heritage features on the subject lands, per Urban Hamilton Official Plan Schedule "B" – Natural Heritage System and Schedule "B-4" – Detailed Natural Heritage Features Wetlands. Based on the review of the supporting studies and Species at Risk Assessments undertaken in review of this proposal as well as the City's Municipal Class Environmental Assessment, it was determined that an amendment to the Urban Hamilton Official Plan to remove these features can be supported.

Chronology:

- June 10, 2005: Applications ZAC-05-063 and 25T-200512 submitted.
- June 28, 2005: Applications ZAC-05-063 and 25T-200512 deemed complete.
- July 14, 2005: Public Notice Sign erected on the subject lands.

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<u>August 2, 2005:</u>	Notice of Complete Applications and Preliminary Circulation for Applications ZAC-05-063 and 25T-200512 to 26 property owners within 120 m of the subject lands.
<u>June 14, 2006:</u>	Effective date of Conservation / Hazard Lands (P5) Zone for the Urban Area under Zoning By-law No. 05-200.
<u>June 28, 2011:</u>	Effective date of the General Business Park (M2) Zone for the Urban Area under Zoning By-law No. 05-200.
<u>August 16, 2013:</u>	Effective date of the Urban Hamilton Official Plan.
<u>February 28, 2017:</u>	Amended Applications ZAC-05-063 and 25T-200512 submitted.
<u>March 2, 2017:</u>	Amended Applications ZAC-05-063 and 25T-200512 deemed complete.
<u>March 10, 2017:</u>	Notice of Complete Applications and Preliminary Circulation for Amended Applications ZAC-05-063 and 25T-200512 to 53 property owners within 120 m of the subject lands.
<u>March 15, 2017:</u>	Urban Hamilton Official Plan Amendment Application UHOPA-17-016 submitted and deemed complete.
<u>March 21, 2017:</u>	Amended Public Notice Sign erected on the subject lands.
<u>September 11, 2017:</u>	Outstanding studies and requirements received (Geotechnical Report; Planning Justification Report; Woodlot Assessment Compensation Report; Watermain Hydraulic Analysis Report; and, Species at Risk – Bat Survey).
<u>October 23, 2017:</u>	Revised Hydrogeological Report received.
<u>November 11, 2017:</u>	Ministry of Natural Resources and Forestry Species At Risk Details received.
<u>December 20, 2017:</u>	Revised Planning Justification Report received.
<u>February 14, 2018:</u>	Revised Draft Plan of Subdivision received.

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April 6, 2018: Transportation Demand Management Report and Planning Justification Report Addendum received.

April 24, 2018: Revised Draft Plan of Subdivision received.

July 18, 2018: Public Notice Sign updated with Public Meeting Information.

July 27, 2018: Notice of Public Meeting sent to 53 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 620 Tradewind Drive
(See Appendix "A" to Report PED18150)

Owner/Applicant: 1932376 Ontario Inc., (c/o Ted Valeri)

Agent: UrbanSolutions Planning and Land Development
Consultants Inc. (c/o Sergio Manchia)

Property Description:

<u>Lot Frontage:</u>	Cormorant Road	26.4 m
	Tradewind Drive	50.0 m
<u>Lot Depth:</u>	Irregular (West property line)	596.5 m
<u>Lot Area:</u>		19.10 Ha
<u>Servicing:</u>	Extension of Full Municipal Services	

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant Industrial Lands	General Business Park (M2) Zone and Conservation / Hazard Lands (P5) Zone

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Surrounding Land Uses:

North	Industrial and Vacant Industrial Lands	General Business Park (M2) Zone
South	Hydro Corridor	Conservation / Hazard Land - Rural (P6) Zone and Agriculture (A1) Zone
East	Industrial and Vacant Industrial Lands	General Business Park (M2) Zone, General Business Park (M2, 382) Zone, General Business Park (M2, 434) Zone, and Conservation / Hazard Lands (P5) Zone
West	Industrial and Vacant Industrial Lands	General Business Park (M2) Zone and Conservation/Hazard Lands (P5) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3), and the Provincial Policy Statement (2014). The application was reviewed against the Provincial Policy Statement 2014, and is consistent with the following policies, amongst others.

The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe, as per Policy 1.1.

Additionally, the proposal is consistent with the Employment Area Policies of Policy Section 1.3, in that it will provide for an appropriate mix and range of employment to meet long-term needs and opportunities for a diversified economic base, with a range and choice of suitable sites for employment uses that support a wide range of economic activities and ancillary uses. The development will protect and preserve employment areas for current and future uses while ensuring the necessary infrastructure to support current and projected needs is available.

The proposed uses are appropriate for Employment Areas and are of a service nature that will not adversely affect established and / or approved retail areas and supports the business park and surrounding area.

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Although the Town of Ancaster Official Plan did not identify any natural heritage features on the subject lands, in review of the Urban Hamilton Official Plan, a wetland is identified on Schedule “B” – Natural Heritage System and Schedule “B-4” – Detailed Natural Heritage Features Wetlands. Based on the review of the supporting studies, including Natural Heritage Species at Risk Assessments by the City and the Grand River Conservation Authority, an amendment is proposed to remove the wetland from the applicable schedules.

As part of Species at Risk screening that was completed as part of the amended applications, habitats for both the Eastern Meadowlark and Bobolink were identified and are recommended by the Ministry of Natural Resources and Forestry (MNR) for project registration, following the rules in regulation S.23.6 of Ont. Reg. 242 / 08. Upon further review, additional investigations were requested for potential bat habitat.

Subsequently, an Information Gathering Form (IGF) was submitted to the Ministry and deemed satisfactory, subject to compensation through the identified project registration. A map snag and acoustical survey were completed in June, 2017, and subsequently submitted via an additional IGF to the Ministry for review, who determined potential habitat for Little Brown Myotis.

In response, the owner / applicant has submitted the necessary materials to the Ministry, who have requested project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under Section 17(2)(c) of the ESA.

Condition Nos. 26 and 27, of Appendix “D” to Report PED18150, have been included to address Species at Risk requirements.

Therefore, the proposal is consistent with the Provincial Policy Statement (2014).

Region of Hamilton-Wentworth Official Plan

The owner / applicant has also asserted the “Clergy” principle, whereby the application is to be reviewed against the policy documents applicable at the time of submission of a complete application, being the Provincial Policy Statement (2005); Region of Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

The subject lands are designated as “Business Parks” as per Map 1 – Regional Development Pattern. As per Policy C.3.1.3.1, designated Business Parks on Map No. 1 shall accommodate:

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- “a) a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses;
- b) service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail – wholesale uses requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automobile dealerships).

Additionally, Policy C.3.1.3.2 identifies that the Region will:

“Permit in business parks grouped commercial uses of a retail or service nature such as banks, restaurants and professional offices that will not adversely affect established and / or approved retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the business parks.”

This is further supported by Policy C.3.1.3.3, whereby the Region will:

“Require Area Municipality Official Plans to contain detailed policies that identify the type and locational criteria for permitted commercial uses.”

In review of the application, the Town of Ancaster Official Plan permits commercial uses such as ancillary and service type uses supporting the primary activities, and limited office development associated with the primary uses, which may be permitted within the Industrial designation.

With respect to a Medical Clinic and Motor Vehicle Service Station as amended, based on the applicant’s planning and spatial analysis of Section 4.4, provided within the Planning Justification Report addendum, dated December, 2017, there are no full service Medical Clinics and two Motor Vehicle Service Stations within five hundred metres of the Business Park.

To ensure no adverse impacts on established retail areas, the use of a Motor Vehicle Service Station will be limited to repairs and replacements for motor vehicles, while prohibiting the sale of fuels, automotive accessories and / or convenience goods. Similarly, the proposed additional use of a “Restaurant” has been limited to “within a multi-unit building and the prohibition of any stand-alone restaurants” to ensure the same.

Accordingly, the above noted proposed uses would provide a service that will not adversely affect established and / or approved retail areas and would also support the Business Park and the surrounding area beyond the Business Park.

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Moreover, “Offices” would be consistent with the current uses contained in of the Business Park and would be compatible with both the existing and proposed developments.

Lastly, the owner / applicant has agreed to the existing retail permissions being Accessory Retail and Showroom Area per Regulation 9.2.3(h) of the General Business Park (M2) Zone, and has therefore removed the request for stand-alone retail.

Based on the foregoing, staff support the additional uses of: Medical Clinic; Offices; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, subject to removal of the permission for the sale of fuels, automotive accessories and / or convenience goods, as they comply with the Region of Hamilton-Wentworth Official Plan.

Lastly, with respect to Natural Heritage, no natural heritage features were identified on Map No. 4 – Environmentally Significant Areas; however, staff note that through the review of the Environmental Assessment for the Extension of Cormorant Road by the Ministry of Natural Resources and Forestry (MNR), and the submitted supporting materials, being the Species at Risk inventories, a recommendation for project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under Section 17(2)(c) of the ESA is required.

Accordingly, staff have included Condition Nos. 26 and 27, of Appendix “D” to Report PED18150. Based on the foregoing, the proposal complies with the Region of Hamilton-Wentworth Official Plan.

Ancaster Official Plan

The subject lands are designated “Industrial” on Schedule “B” – Land Use Urban Area; as “Grand River Conservation Authority Designated Lands” on Schedule “C” – Hazard Lands; and, as Specific Policy Area “2” on Schedule “F” – Specific Policy Area.

Policy 4.6.1 identifies that the:

“predominant use of lands designated Industrial on Schedule B shall be for enclosed warehousing, offices, limited product distribution services, product showroom and display centres, research and development facilities.

In addition, such manufacturing or processing operations free from emissions of dust, odour, fumes, particulate matters, noise and excessive vibrations may be permitted.”

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Policy 4.6.3, states that:

“Ancillary and service type uses supporting the primary activities as well as recreational facilities and limited office development associated with the primary uses may be permitted.”

As the owner / applicant has agreed to the existing retail permissions, being Accessory Retail and Showroom Area per Regulation 9.2.3(h) of the General Business Park (M2) Zone, retail will only be permitted with an associated primary permitted use.

Staff are supportive of a “Medical Clinic;” an “Office;” a “Restaurant within a multi-unit building, but not a stand-alone restaurant;” and, a “Motor Vehicle Service Station, but not including the sale of fuels, automotive accessories and / or convenience goods,” as the proposed uses, as amended, would support businesses and employees within the Business Park, would be appropriate for the subject lands and surrounding area, and have minimal impact on the existing established retail function of, and are complementary to, the existing uses within the Ancaster Business Park.

In review of Policy Section 5.1 – Hazard Lands, staff note that the policies have been deferred under Section 17(10) of the *Planning Act* and are therefore not applicable. Notwithstanding, the Grand River Conservation Authority has reviewed the proposal and have no concerns with the proposed development, subject to the requested condition, being Condition No. 25 of Appendix “D” to Report PED18150.

Lastly, with respect to Special Policy Area “2”, Policy Section 5.5, “Duff’s Corner Area” policies apply. In particular, Policy 5.5.2 states that:

“In order to promote the orderly and comprehensive development of the Industrial area in Duffs Corners, the subdivision of land shall be by Registered Plan as provided for under the *Planning Act*. The division of land by 'metes and bounds' conveyances may be permitted on a limited basis providing the intent of this Plan is maintained. In developing these lands Policy 4.6.1 and the following sub-policies, amongst others, shall apply:

- ii) To promote the visual aesthetics of the area industrial uses within 152.4 metres of and exposed to view from the major peripheral and internal roads, shall be subject to site plan controls, including the following:
 - (a) The location of all vehicular parking, including the outdoor storage of vehicles used in conjunction with industries. Generally, employees and visitors parking shall be restricted to the side, or rear yard, but parking for vehicles used in any business operation shall be restricted to the rear

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yard. In all cases, parking areas are to be screened from view from roads by appropriate planting strips, berms, decorative walls or fencing;

- (b) The prohibiting of outdoor storage. Generally, outdoor storage will be prohibited, except in special instances deemed warranted by Council;
 - (c) The provision of loading facilities. Such facilities shall also be restricted to rear yard locations only and when visible from any road, they shall be screened appropriately;
 - (d) The prohibiting of all outdoor operations. All operations necessary as part of any industry, shall take place within fully enclosed buildings;
 - (e) Adequate landscaped open space to be provided on site;. This includes the provision of lawns, planting strips and other vegetative cover deemed desirable; and,
 - (f) The type of surface treatment to be provided for all areas, exclusive of buildings and landscaping. Within such areas, only asphalt, concrete or other permanent surfaces shall be permitted.
- iii) The lands without major road exposure shall be subject to site plan controls. Due to the buffering effect provided by the development intended on lands abutting major roads, site plan controls, somewhat less stringent than those imposed for lands with major road exposure will be required. Such site plan controls may include:
- (a) The provision of visitor and employee parking in front, side and rear yards, subject to required screening;
 - (b) Increased area for outdoor storage, subject to appropriate screening;
 - (c) Controls over the location of parking and loading facilities for vehicles used in conjunction with industries;
 - (d) Reduction of the amount of landscaped area to be provided on site; and,
 - (e) Control over the surface treatment of areas not covered by buildings or landscaped.
- iv) It is intended that the proposed development of the lands designated Industrial in Duff's Corners will be undertaken in full accordance with the legislation and regulations of the Ministry of the Environment and Energy and its various

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branches, including, but not restricted to Air Management, Sanitary Engineering and Industrial Wastes. The provision of sanitary sewers, storm drainage facilities and watermains will be in accordance with a servicing programme to be undertaken by both the Regional and Town Councils;

- v) The provision of storm drainage will be provided through the lands in question, possibly by means of open channel storm drainage facilities. Because of the necessity of providing setbacks from such drainage channels, the Grand River Conservation Authority will be requested to conduct an on-site inspection of the lands designated Industrial by this Plan to determine the extent of any Hazard Area and advise the Municipality regarding the limits of any Hazard Area so the boundary may be accurately set out in the implementing Zoning By-law of the Town of Ancaster. It is intended that such areas be maintained as open space corridors through the Industrial area for purposes of enhancing the visual amenities of the lands;
- vi) Because the lands designated Industrial in Duff's Corners will be provided with full municipal services, including municipal sanitary sewers and watermains, storm drainage facilities and paved roads, it will be necessary that Council undertake a staging programme for the sequential development of lands designated Industrial in Duff's Corners which will allow for flexibility and control in releasing land for development. Such a staging programme will be based on servicing considerations such as the ease of connecting sanitary sewerage facilities, as well as, the direction Council may wish to take in regards to the amount of land to be released within each stage as well as, the intended use of land. Council shall not initiate the development of lands within the stages subsequent to Stage I until evidence has been provided to the satisfaction of Council as to the adequacy of the road system and the sanitary sewage, storm drainage and water facilities to serve the land within the subsequent stages. In this regard, such a staging programme shall be prepared in conjunction with the Region;
- vii) A Secondary Plan will be prepared for lands designated Industrial in Duff's Corners in order to assure the orderly development of lands so designated. Such a plan must be endorsed by the Region and should:
 - (a) Indicate specific intersections with Highways 2 and/or 53 because of the nature of road intersections at Duff's Corners;
 - (b) Provide a system of roads designed in such a manner as to facilitate the easy movement of large commercial vehicles through the area;

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- (c) Arrange internal roads in such a manner as to facilitate the design provisions provided in this Section of the Plan; and,
- (d) Arrange for permanent open space areas throughout the development to promote the visual aesthetics of the area. Such open space areas may be achieved by incorporating existing lands used for utilities and by maintaining existing major drainage facilities where necessary as open areas for storm drainage purposes.”

In review, the proposed development complies with the design policies of Section 5.5.2 and will be developed under the subject Draft Plan of Subdivision with full municipal services, and subject to a future Site Plan Control Application(s) for further refinement of the site design. Of note, a secondary plan was never established for “Duffs Corners” and all remaining policies under Policy Section 5.5 pertain to site specific properties or “Commercial” designations, which are not applicable to the subject lands.

Therefore, the proposal complies with the Town of Ancaster Official Plan policies that were in effect.

Urban Hamilton Official Plan

The subject applications are subject to the “Clergy” principle for review, as they predate the adoption of the Urban Hamilton Official Plan which is therefore not applicable for this application, with respect to the natural heritage system and designation applicable to the subject lands. However, as all Zoning By-laws must comply with the in force Official Plan at the time of passage of said By-law, an amendment to the Urban Hamilton Official Plan is required.

In particular, as the subject lands were not previously identified as containing Natural Heritage features under the Hamilton-Wentworth Official Plan or the Town of Ancaster Official Plan, an amendment to the Urban Hamilton Official Plan Schedule “B” – Natural Heritage System and Schedule “B-4” – Detailed Natural Heritage Features Wetlands, are required to remove reference to the natural heritage features identified under these schedules.

The Grand River Conservation Authority who regulates the wetland feature has reviewed the subject applications and supporting studies. In review they have identified no comments or concerns with the removal of the wetland, subject to Condition No. 25 of Appendix “D” to Report PED18150.

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In addition, any Species at Risk concerns have been reviewed by the Ministry of Natural Resources and Forestry who have recommend project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit to be issued under Section 17(2)(c) of the ESA. Accordingly, staff have included Condition Nos. 26 and 27 of Appendix “D” to Report PED18150, to address these concerns.

Lastly, in review of the proposed uses, Policy E.5.2.4 states that:

“Uses permitted in the Employment Area designations shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, *building or contracting supply establishment*, tradesperson’s shop, warehousing, *waste management facilities*, private power generation, limited agricultural uses, office, and *accessory* uses. *Ancillary* uses which primarily support businesses and employees within the Employment Area shall also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.”

Additionally, policy E.5.4.5 provides further direction with respect to “Offices”, whereby:

“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.”

Accordingly, Policy E.5.4.4 states that:

“*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.”

Staff note that Cormorant Road is identified as Collector Roads on Schedule C – Functional Road Classification of Volume 1 of the Urban Hamilton Official Plan. However, as Lots 1 to 6, inclusive, will front the proposed local Street “A”, a modification to Policy E.5.4.4 is required to permit the requested uses on a local road.

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In review, a “Medical Clinic;” an “Office;” a “Restaurant within a multi-unit building, but not a stand-alone restaurant;” and, a “Motor Vehicle Service Station, but not including the sale of fuels, automotive accessories and / or convenience goods,” are supportable on a local road, as the proposed uses, as amended, would support businesses and employees within the Business Park, would be appropriate for the subject lands and surrounding area, and have minimal impact on the existing established retail function of, and are complementary to, the existing uses within the Ancaster Business Park.

Based on the foregoing, staff support the amendment to permit the ancillary commercial and supporting uses on a local road, as identified within the amending Zoning By-law attached as Appendix “C” to Report PED18150.

Ancaster Tree Protection By-law (2000-118) and Urban Woodland Conservation By-law (14-212)

Notwithstanding that the subject lands were not identified as containing Natural Heritage features under the former Town of Ancaster Official Plan, staff note that both the Ancaster Tree Protection By-law and Urban Woodland Conservation By-law apply.

However, subject to the submission and approval of a Tree Protection Plan, the proposed development is exempt from these By-laws.

Accordingly, staff have requested Condition No. 1 of Appendix “D” to Report PED18150, to address this requirement.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned General Business Park (M2) Zone and Conservation / Hazard Lands (P5) Zone. The General Business Park (M2) Zone permits employment uses including, but not limited to, Building and Lumber Supply Establishment, Commercial Motor Vehicle Sales, Rental and Service Establishment, Contracting Establishment, Manufacturing, Repair Service and Research and Development Establishment.

The Conservation / Hazard Lands (P5) Zone permits Conservation; Flood and Erosion Control Facilities; and, Recreation, Passive uses.

The applicant is requesting modifications to the Zoning By-law for a portion of the subject lands:

- The first modification is to change the zoning from the General Business Park (M2) Zone to the General Business Park (M2, 611) Zone, to permit a Medical Clinic;

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Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, as amended to remove the sale of fuels, automotive accessories and / or convenience goods (Block 1);

- The second modification is to change the zoning from Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone, in order to develop a portion of the natural heritage lands within a future industrial development in accordance with the General Business Park (M2) Zone, to allow for the additional uses noted above (Block 2); and,
- The last modification is to change the zoning from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone, in order to recognize the proposed stormwater management facility (Block 3).

The proposed zoning will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

RELEVANT CONSULTATION

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

- Ministry of the Environment, Conservation and Parks (formerly Ministry of the Environment and Climate Change); and,
- Recycling and Waste Disposal, Public Works Department.

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

Hamilton Street Railway have advised that Route #44 Rymal services this site with no planned changes in service. The street orientation and pedestrian entrances for development are important in providing direct short walking distances between dwellings and transit service. Development shall include high quality pedestrian amenities such as walkways, lighting, etc. Lastly, the reuse and intensification of sites with mixed uses and higher densities immediately adjacent to transit routes is encouraging. This will be addressed through the future required Site Plan Control applications for the development of the individual industrial block(s).

Public Health Services have advised that any proposed permanent or temporary irrigation / storm water management pond(s) or any existing oversized irrigation / storm water management pond(s) should be designed, constructed, or modified and maintained to control mosquitoes / WNV and comply with all aspects of By-law

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No. 03-173, A By-Law to Prohibit and Regulate the Accumulation of Standing Water at Specified Times of the Year.

Additionally, a pest control plan, focusing on rats and mice, shall be developed and implemented for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading, etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221.

The applicant has been advised of By-law No. 03-173 and will account for the requirements in the design of any storm water management systems. With respect to the request for a pest control plan, staff have included Condition No. 24 of Appendix “D” to Report PED18150, to address this requirement.

Geomatics and Corridor Management, Public Works Department have advised that there are no comments or concerns with the proposed development, subject to the extension of Cormorant Road. As the application will facilitate the extension of Cormorant Road, the above concern has been satisfied.

Forestry and Horticulture, Public Works Department have advised that there are no municipal tree assets on site; however, per the standard for a subdivision agreement, a landscape plan shall be prepared with respect to street tree plantings. As mentioned above, this requirement is addressed under Section 2.08 of the Standard Form Subdivision Agreement.

Hamilton Water, Public Works Department have reviewed the proposal and advise that, given the lack of seasonal groundwater level data in the applicant's Hydrogeological Assessment report, it is unclear whether proposed construction activities would negatively impact neighbouring groundwater users. Additional details were provided by the applicant's consultant Landtek Limited Consulting Engineers, dated June 5, 2018, which was reviewed and deemed satisfactory by Hamilton Water.

Ministry of Natural Resources and Forestry have been working with the applicant's natural heritage consultant as it pertains to Species at Risk (SAR). In review of the

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proposed development and the existing approved Municipal Class Environmental Assessments, Eastern Meadowlark, Bobolinks and Little Brown Myotis (a bat species) were identified as species of concern.

With respect to the Eastern Meadowlark and Bobolinks, an Information Gathering Form (IGF) was submitted to the Ministry and deemed satisfactory, subject to compensation through the requested project registration.

Lastly, with respect to the Little Brown Myotis, the Ministry has recommend project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under section 17(2)(c) of the ESA is required.

Accordingly, staff have included Condition Nos. 26 and 27, of Appendix “D” to Report PED18150, to address these concerns.

Grand River Conservation Authority have reviewed the supporting studies and advised that the GRCA has no objections to the approval of the Zoning By-law Amendment and issuance of Draft Plan Conditions for the Plan of Subdivision. In particular:

- “(1) Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
- (a) A detailed Stormwater Management Report in accordance with the 2003 Ministry of the Environment Report entitled “Stormwater Management Practices Planning and Design Manual” and in keeping with the Functional Servicing & Stormwater Management Report (dated August 2017 and revised March 2018, A.J. Clarke and Associates Ltd.).
 - (b) Detailed Lot Grading and Drainage Plan show existing and proposed grades.
 - (c) An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority’s guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of the grading and construction.
 - (d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.”

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Accordingly, the above requirements have been included as Condition No. 25, of Appendix "D" to Report PED18150.

Union Gas Limited have requested 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. This requirement is addressed under Section 1.21 of the Standard Form Subdivision Agreement.

Canada Post have advised that:

This Draft Plan of Subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox program. The following conditions of approval have been requested to the satisfaction of the City of Hamilton and Canada Post:

"That the owner shall:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home / business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision.

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- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
- v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner / developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.”

Lastly, Canada Post have requested that should the description of the project change, that they be updated to assess the impact of the change on mail service. Accordingly, staff have included Condition No. 36 of Appendix “D” to Report PED18150, to address the above matters.

Hydro One Networks Inc. have advised that:

Upon a cursory review of the materials / plans provided, Hydro One Networks Inc. have requested Conditions of Draft Approval and notations to be applied to the approval of the proposed development applications. Accordingly, staff have included Condition Nos. 28 to 35, inclusive, of Appendix “D” to Report PED18150, along with the requested notation.

TransCanada Pipelines Limited have identified two high pressure natural gas pipelines within 200 m of the subject property within the abutting Hydro Corridor. One of the pipelines is within 30 m. Accordingly, they have requested that the following development and regulatory requirements be included as conditions of Draft Plan approval:

- “(1) Written consent must be obtained from TransCanada prior to undertaking the following activities:
 - (a) constructing or installing a facility across, on, along or under a TransCanada pipeline right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences / fence posts;

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- (b) conducting a ground disturbance (excavation or digging) on TransCanada's pipeline right-of-way or within 30 m of centreline of TransCanada's pipe (the "Prescribed Area");
 - (c) driving a vehicle, mobile equipment or machinery across a TransCanada pipeline right-of-way outside the travelled portion of a highway or public road; and,
 - (d) using any explosives within 300 m of TransCanada's pipeline right-of-way.
- (2) In addition to the written consent noted above, a locate request to the local one-call notification centre ("One-Call Centre") a minimum of three business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify TransCanada to send a representative to mark the facilities, explain the significance of the markings and provide you with a copy of the locate report. TransCanada requests a minimum five business days' notice for any work involving explosives.
- (3) Storage of materials and / or equipment on TransCanada's right-of-way is not permitted.
- (4) The owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions."

Accordingly, staff have included Condition Nos. 37 to 40, inclusive, of Appendix "D" to Report PED18150, to address the above matters.

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 26 property owners within 120 m of the subject property on August 2, 2005, and a Public Notice Sign erected on July 14, 2005.

In addition a notice of the Amended Zoning By-law Amendment and Draft Plan of Subdivision applications were sent to 53 property owners within 120 m of the subject property on June 23, 2017, with an updated Public Notice Sign posted on the property on March 21, 2017.

Two submissions were received identifying potential downstream drainage concerns and Species at Risk concerns, attached as Appendix "G" to Report PED18150. These

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submissions have been reviewed in detail under the Analysis and Rationale for Recommendation Section below.

Of additional note, one other public submission was received requesting notice of decision with no identified comments or concerns. Staff will ensure that this individual is provided the notice of decision in the normal manner.

Finally, the Public Notice Sign was updated on July 18, 2018, with the Public Meeting date, and Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 27, 2018.

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 Former Region of Hamilton-Wentworth and Town of Ancaster Official Plan; and,
 - (iii) The proposal will permit industrial development which 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 and employment lands, while enhancing and establishing streetscapes for the industrial park that make efficient use of a vacant parcel of land with existing infrastructure.

2. As result of review of the supporting studies and Species at Risk Assessments for the proposal under the “Clergy” principle, whereby the application is to be reviewed against the policy documents applicable at the time of submission of a complete application, being the Provincial Policy Statement (2014); Region of Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan, an administrative Urban Hamilton Official Plan Amendment is required with respect to the Natural Heritage Features identified on the subject lands.

In particular, the amendment will remove the “Core Areas” and “Linkages” designation on Schedule B – Natural Heritage System; and, to remove the “Key Natural Heritage and Key Hydrologic Feature Wetlands” designation on Schedule B-4 – Detailed Natural Heritage Features Wetlands. The administrative amendment can be supported based on the submitted supporting studies and review by City of Hamilton and the Grand River Conservation Authority.

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Additionally, as referenced above in the “Policy Implications and Legislated Requirements” section, an additional amendment is required in order to permit the requested ancillary commercial and supportive uses on a local road. In review, the proposed uses, as amended, would support businesses and employees within the Business Park, would be appropriate for the subject lands and surrounding area, and have minimal impact on the existing established retail function of, and are complementary to, the existing uses within the Ancaster Business Park.

3. The application for a Draft Plan of Subdivision seeks approval to establish an Industrial Plan of Subdivision to create 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), one block for a one-foot reserve (Block 13), two proposed streets (Streets “A” and “B”), and, the extension of Cormorant Road, as shown on Appendix “F” to Report PED18150.

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement, the Growth Plan and the Urban Hamilton Official Plan;
- (b) Through the subdivision staging plan the draft plan was identified as an area of priority and represents a logical and timely expansion of existing development;
- (c) The proposed roads will adequately service the proposed subdivision and can connect to the current road system;
- (d) The proposed Draft Plan of Subdivision can be appropriately subdivided and is determined to not negatively impact the existing road network and will not have a negative impact on the natural heritage features subject to the approval of the Official Plan Amendment and Zoning By-law Amendment;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood; and,
- (f) The applications do not have any negative impact on the city’s finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

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4. The applicant has requested a Zoning By-law Amendment to City of Hamilton Zoning By-law No. 05-200 for the following:
- a change in zoning from the General Business Park (M2) Zone to the General Business Park (M2, 611) Zone, a Medical Clinic; Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, as amended to remove the sale of fuels, automotive accessories and / or convenience goods (Block 1);
 - a change in zoning from Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone, in order to develop a portion of the natural heritage lands within a future industrial development in accordance with the General Business Park (M2) Zone, to allow for the additional uses noted above (Block 2); and,
 - a change in zoning from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone, in order to recognize the proposed stormwater management facility (Block 3).

General Business Park (M2) Zone to the General Business Park (M2, 611) Zone, (Block 1):

The applicant, along with modifications proposed by staff, has requested the additional following uses: an accessory Restaurant within the same building as a permitted use; Medical Clinic; Office; and, Motor Vehicle Service Station with an amendment to remove the sale of fuels, automotive accessories and / or convenience goods.

As noted previously in the report, staff are supportive of the requested additional uses of Medical Clinic; Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, subject to the exclusion of the sale of fuels, automotive accessories and / or convenience goods, based on the applicant's Planning and Spatial Analysis provided in the Planning Justification Report addendum.

In particular, these uses provide a service that will not adversely affect established and / or approved retail areas and would also support the Business Park and the surrounding community beyond the Business Park.

Based on the foregoing, staff are supportive of the additional uses.

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Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone (Block 2):

The applicant proposes a change in zoning to recognize the development of a portion of the natural heritage feature(s) for future industrial development with additional uses of an Medical Clinic; Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, as amended.

In review of the change in zoning from the Conservation / Hazard (P5) Zone, staff note that natural heritage features were not identified in the Region of Hamilton-Wentworth Official Plan, or the Town of Ancaster Official Plan.

Based on a review completed of the supporting studies and Species at Risk Assessments, by City of Hamilton, Grand River Conservation Authority, and Ministry of Natural Resources and Forestry staff, staff support the proposed change in zoning.

General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone (Block 3):

In order to service the subject lands and proposed development, a stormwater management facility is required within Block "8" of the Draft Plan of Subdivision, shown as Block 3 of the Schedule "A" attached as Appendix "C" to Report PED18150.

As the proposed change in zoning provides for necessary infrastructure, staff support the change in zoning to permit a Flood and Erosion Control Facility, being the stormwater management facility.

5. Engineering Approvals staff have reviewed the following supporting documents in support of the development applications:
- Revised Draft Plan of Subdivision, prepared by UrbanSolutions Planning & Land Development Consultants, Revision 1, dated January 2018;
 - Revised Functional Servicing & Stormwater Management Report (FSR), dated March 2018; and,
 - Response Letter on the previous comments provided by Engineering Approvals and Infrastructure Planning Section, submitted by AJ Clarke and Associates Ltd. dated March 28, 2018.

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The following comments regarding the Draft Plan of Subdivision approval are applicable:

Comments:

- The Consultant (A.J. Clarke & Associates Ltd.) has indicated in their response letter that most of the previous comments provided on the Functional Servicing and Stormwater Management Report in support of the above noted applications will be dealt with at the detailed design stage. Our opinion is that the comments below may have significant impact on the detailed Engineering design and would like to bring them to the proponent's attention at the draft plan approval stage.
- It appears that the existing 375 mm sanitary sewer on Tradewind Drive, downstream of Street 'A' has sufficient capacity to service Blocks 1 to 6 inclusive, as well as the adjacent lands to the west fronting Claybar Road. This issue shall be resolved at the detailed design stage and may require amendment to the existing MOECC approval. An adequately sized easement, from Street 'A' to the west limit of the subject lands will be required for a future municipal main(s).
- The existing 1050 mm trunk sanitary sewer on Cormorant Road shall be extended westerly to the proposed intersection with Trinity Road as a condition of approval for the development of the subject lands.
- The approval of watermains within the draft plan of subdivision is subject to the Form 1 approval process by the City. An adequately sized easement, along the south side of Block 4, for future municipal main(s) will be required as a condition of approval for the development of the subject lands.
- The proposed watermain on Cormorant Road is required to be extended westerly to connect to the existing 300 mm dia. watermain on Trinity Road and subject to a Form 1 approval process by the City, as a condition of approval for the development of the subject lands.
- Hamilton Water has identified that there is insufficient water supply for the subject lands at this time. The Watermain Hydraulic Analysis for the subject lands submitted by AJ Clarke and Associates Ltd. did not address this issue to date. Therefore, as a condition of the Draft Plan approval, the owner / developer is required to include a note in all purchase and sale and / or lease agreements to advise the future purchasers or tenants that the building size, building material and the intended use may be restricted to the available

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water supply at the street line, at the time of issuance of the building or occupancy permit for the subject property.

- The information provided on the preliminary grading plan, sheet 4, in the Functional Servicing Report suggests significant grading issues for the proposed development i.e. existing topography adjacent to the existing pond block, Hydro One lands, floodplain, encroachments on the lands outside of the draft plan lands, grading works within the lands that could be contaminated, etc. We note that all of these issues will be assessed by City staff at the detailed Engineering design stage. The City may require additional studies to be completed, if deemed necessary, at that stage.
- It appears that the bank of the proposed channel is going to block the drainage on the adjacent lands. We note that this proposal has significant impact on the existing floodplain with unknown impacts to downstream lands at this time. These issues shall be addressed by the proponent at the detailed design stage.
- It appears that the Erosion Assessment completed by GeoProcess Research Associates, dated December 20, 2017, included in Appendix “D” of the FSR did not assess the impact from the existing SWM facility on the recommended release rate from the proposed facility with respect from the erosion protection perspective. Therefore, additional information shall be provided by the proponent to address this issue. In addition the proponent will be required to establish three monitoring stations at the following nodes: stn. 0+500, north limit of Hydro corridor, stn. 1+400, existing culvert on Trinity Road, the east side, and st. 2+000, existing culvert on Book Road, the north side, as per Figure 01 prepared by the Consultant. The monitoring period shall be for two full seasons after substantial completion of the proposed development. All cost associated with the monitoring is to be borne by the Owner / Developer.
- An adequately sized inlet structure is required at the low point on Tradewind Drive, just north of the proposed intersection with Street ‘A’, in order to convey major flows from upstream lands to the proposed SWM facility.
- A minimum of 15.0 m inside curb radius is required at the 90 degree bend on Street ‘A’. In addition, at the detailed design stage the proponent shall demonstrate sufficient pavement width to ensure that turning radius of the design vehicle does not cross the proposed centre line of the street.
- There is no discussion in Section 2.6 of the FSR to provide reference to the EA Study completed for extension of Cormorant Road. We would like to

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 30 of 31

advise that the proponent will be required to extend Cormorant Road from the east limit of the subject lands to Trinity Road and implement the recommendations of the EA Study as a condition of approval of the proposed development.

- We note that the Owner has accepted the City's offer to purchase land described as Parts 1, 2 and 3 on 62R-20075 to provide for the extension of Cormorant Road to the west limit of the draft plan lands.

In addition, Engineering Approvals and Public Works Staff have requested conditions of Draft Plan Approval, which have been included as Condition Nos. 2 to 23, inclusive, of Appendix "D" to Report PED18150.

6. Two submissions were received identifying potential downstream drainage concerns and Species at Risk concerns, attached as Appendix "G" to Report PED18150.

Downstream Drainage:

City of Hamilton staff and Grand River Conservation Authority staff have reviewed the various studies and have ensured that the Stormwater Management design has demonstrated that the release rate as a result of the extension of Cormorant Road, will match the required Environmental Assessment (EA) Approved release rate, thereby complying with the approved EA and response from the Ministry pertaining to the decision regarding the Part II order(s).

Species at Risk – Little Brown Myotis (Little Brown Bat):

In review of the proposed development and the existing approved Municipal Class Environmental Assessments, Eastern Meadowlark, Bobolink and Little Brown Myotis were identified as Species of Concern.

With respect to the Eastern Meadowlark and Bobolink, the Owner / Developer shall prepare a Development Plan and Compensatory lands for habitat creation for the Eastern Meadowlark and Bobolink species, in accordance with Ont. Reg. 242 / 08. The compensatory lands will utilize the stormwater management facility with the design to be determined through the respective conditions of approval requested below.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 31 of 31

Lastly, with respect to the Little Brown Myotis, the Ministry has recommend project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under Section 17(2)(c) of the ESA is required.

Staff have included Condition Nos. 26 and 27, inclusive, of Appendix “D” to Report PED18150 that the owner will need to fulfill with respect to Species at Risk.

ALTERNATIVES FOR CONSIDERATION

If the applications are denied, the applicant would be able to develop the subject lands as a single parcel for development in accordance with the existing zoning, General Business Park (M2) Zone and Conservation / Hazard Lands (P5) Zone, under Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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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.

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” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 05-200 Amendment

Appendix “D” – Draft Plan of Subdivision Conditions

Appendix “E” – Original Draft Plan of Subdivision

Appendix “F” – Amended Draft Plan of Subdivision

Appendix “G” – Public Submissions

AC:mo

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