



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 7, 2020
SUBJECT/REPORT NO:	Application for Draft Plan of Subdivision for Lands Located at 43 Highway No. 5, Flamborough (PED20072) (Ward 15)
WARD AFFECTED:	Ward 15
PREPARED BY:	Alaina Baldassarra (905) 546 - 2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-201708 by WEBB Planning Consulting on Behalf of Frank Butty (Owner)**, to establish a Draft Plan of Subdivision on lands located at 43 Highway No. 5 (Flamborough), as shown on Appendix "A" to Report PED20072, be **APPROVED**:

- (i) That this approval apply to the Draft Plan of Subdivision 25T-201708, prepared by S. Llewellyn and Associates Limited and certified by A.T. McLaren Limited - S. Dan McLaren, dated March 11, 2020, consisting of three industrial development blocks (Blocks 1-3), a block for a road reserve (Block 4), two blocks for a road widening (Blocks 5 and 6), 0.3 m reserve (Block 7) and two municipal roads (extension of Solar Drive and proposed Street "A") subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions attached as Appendix "B" to Report PED20072;
- (ii) There is no City Share for the costs of the servicing works within the Draft Plan of Subdivision lands;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the

value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The subject property, municipally known as 43 Highway No. 5, is currently a vacant parcel. The subject property is located south of existing industrial uses along Coreslab Drive and, north of Highway 5. The subject lands abuts a recreation centre (Harry Howell Arena) and North Wentworth Community Park located to the North.

The purpose of the Draft Plan of Subdivision is to create an industrial subdivision consisting of:

- three blocks for future industrial development (Blocks 1-3);
- one block for a road reserve (Block 4);
- two blocks for road widening purposes along Highway No. 5 (Blocks 5 and 6);
- one 0.3 metre reserve (Block 7); and,
- two municipal roads (extension of Solar Drive and proposed Street "A").

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (2020) (PPS), conforms to A Place to Grow Plan (2019), and complies with the policies of the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 22

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details

Owner: Frank Butty

Applicant: CAP Acquisition Inc.

SUBJECT: Application for a Draft Plan of Subdivision for Lands Located at 43 Highway No. 5, Flamborough (PED20072) (Ward 15) - Page 3 of 23

Agent: Webb Planning Consultants
File Number: 25T-201708
Type of Application: Draft Plan of Subdivision
Proposal: To develop an Industrial subdivision containing three development blocks (Blocks 1-3) a road reserve (Block 4), road widenings along Highway No. 5 (Blocks 5 and 6), a 0.3 m reserve (Block 7), the extension of Solar Drive and a new municipal street (Street A).

Property Details

Municipal Address: 43 Highway No. 5, Flamborough (Ward 15)
Lot Area: 9.5 hectares
Servicing: Full municipal services
Existing Use: Vacant

Documents

Provincial Policy Statement (PPS): The proposal is consistent with the PPS.
A Place to Grow: The proposal conforms to the Growth Plan.
Official Plan Existing: Employment Areas: Schedule E – Urban Structure (Urban Hamilton Official Plan)
Business Park: Schedule E-1 – Urban Land Use Designation (Urban Hamilton Official Plan)
Official Plan Proposed: No amendment proposed.
Zoning Existing: General Business Park (M2) Zone and Prestige Business Park (M3) Zone
Zoning Proposed: No amendments proposed.

Processing Details

Received: May 12, 2017
Deemed Complete: June 2, 2017
Notice of Complete Application: Sent to 39 owners within 120 metres of the subject property on June 14, 2017.
Public Notice Sign: Sign Posted: June 26, 2017
Sign Updated: June 10, 2020

SUBJECT: Application for a Draft Plan of Subdivision for Lands Located at 43 Highway No. 5, Flamborough (PED20072) (Ward 15) - Page 4 of 23

Notice of Public Meeting: Sent to 64 owners within 120 metres of the subject property on June 19, 2020.

Public Consultation: April 7, 2020

Public Comments: No correspondence was received for the application.

Processing Time: 1,061 days, 293 days from change in ownership and receipt of revised submission

Original Proposal – May 12, 2017

The original proposal was to develop a subdivision which consisted of 13 industrial lots, and two municipal roads (extension of Solar Drive and proposed Street “A”). The proposal did not meet the intent of the approved Provincial Environmental Assessment (EA) for the Highway 5/6 interchange because it did not provide road access to all eleven properties within the North-West quadrant of the EA for the intersection of Highway 5 and Highway 6 (which is the area west of Highway 6, North of Highway 5, South of Borsers Creek and East of Coreslab Drive).

Second Proposal – June 20, 2019

The second submission was submitted by a new applicant (CAP Acquisition) and new agent (Webb Planning Consultants) on behalf of the current owner. The applicants modified the application to propose three industrial blocks, two new municipal roads (extension of Solar Drive and street “A”), road widenings along Highway No. 5 and a road reserve. The proposed Draft Plan of Subdivision provides access to all of the properties in the North-West quadrant unlike the previous application. There was a reduction in the amount of industrial blocks but the proposed blocks are now proposed to be larger in size.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant Land	General Business Park (M2) Zone and Prestige Business Park (M3) Zone
<u>Surrounding Land Uses:</u>		
North:	City Recreational Lands (Harry Howell Arena), Industrial Lands	General Business Park (M2, 386) Zone, Prestige Business Park (M3, 386) Zone, General Business Park (M2) Zone,

		Prestige Business Park (M3) Zone
East:	Agricultural Lands	Rural (A2) Zone
South:	Industrial Lands	General Business Park (M2) Zone, Prestige Business Park (M3) Zone
West:	Borers Creek	Conservation / Hazard Land (P5) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow (2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) 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, cultural heritage and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note the UHOP has not been updated with respect to Cultural Heritage policies in accordance with the PPS. The following policy of the PPS 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.”

The subject lands meet one of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.

This criterion defines the property as having archeological potential. Staff have received a Stage IV preliminary report for the Ryckman site (AhGx-711) and associated Ministry letter. Staff concur with the preliminary report and consider the archaeological condition cleared. Staff request that the final Stage IV report and the Ministry letter be submitted to the City when available.

Built Heritage

A Cultural Heritage Impact Assessment (CHIA) for the subject property was completed by Archaeological Services Inc. in May 2017. The CHIA was for a one and half storey brick farmhouse built in the Gothic Cottage Style located on the subject lands and that was included in the City's Inventory of Buildings of Architectural and/or Historical Interest (Rykeman-Sheppard House).

The CHIA's recommendations were reviewed by staff and the Hamilton Municipal Heritage Committee in 2017 who agreed with the options outlined in the CHIA for the house being: 1) preservation in-situ; 2) relocation to another area of the subject lands, or if relocation was not possible, 3) develop a salvage plan to recover original and reusable materials.

Staff note that the farmhouse was demolished in early 2018, prior to a new applicant and agent taking over the application and none of the options identified above were implemented. Since the building was not included on the Registry as designated, there was no protection of the structure through the *Ontario Heritage Act*.

As the application complies with the UHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Employment Areas" on Schedule "E" – Urban Structure and designated as "Business Park" on Schedule "E-1" – Urban Land Use Designations in the UHOP. The following policies, amongst others, are applicable to the subject application.

Natural Heritage

"B.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.

B.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.
- 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.

B.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- a) has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the Core Area and/or its ecological functions; and,
- b) is established to achieve, and be maintained as natural self-sustaining vegetation."

The property abuts Borer's Creek to the north of the subject lands which is identified as "Parks & General Open Space", "Core Areas" and "Streams" in Schedule B in the Natural Heritage System of the UHOP. As a result, an Environmental Impact Study (EIS) was requested by the Hamilton Conservation Authority. An EIS (dated May 10, 2017, and June 3, 2019 addendum by Geoprocess Research Associates) was submitted, reviewed and approved by the Hamilton Conservation Authority and City Staff. The EIS determined Borer's Creek was the main natural heritage feature on the site and a development limit was established through the EIS. Staff do not have any concerns because the setbacks and Vegetation Protection Zone from the Core Area (Borer's Creek) have been maintained. The general provisions of the Zoning By-law establish setback regulations from Borer's Creek which is zoned Conservation / Hazard Land (P5) Zone. In addition, barn swallows (an endangered species) were identified on the property and Ministry of Natural Resources and Forestry were contacted. Through

conversations with the ministry compensation nesting structures was agreed to be built and erected on the property.

The applicant was required to submit a Tree Protection Plan for the subject lands and will need to include a Landscape Plan to address currently existing private and public trees and future street trees which are identified as Condition Nos. 37, 38 and 39 in Appendix “C” of Report PED20072.

Noise

- “B.3.6.3.18 The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may require proponents of such proposals to submit studies prior to or at the time of application submission, including the following: noise feasibility study; detailed noise study; air quality study; odour, dust and light assessment; and any other information and materials identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.
- B.3.6.3.19 Development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions may include:
- b) development or redevelopment of new employment (industrial) facilities including railway yards in the vicinity of sensitive land uses.”

The proposed Draft Plan of Subdivision abuts North Wentworth Community Park and Harry Howell Arena. Staff note that a Noise Study will be required for future industrial developments at the Site Plan Control stage because the subject lands about a sensitive land use (i.e. the Park and Arena).

Land Use

- “E.5.2.4 Uses permitted in the Employment Area designations may 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 may 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.

- E.5.4.7 The following policies shall apply to the lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:
- a) New development and redevelopment of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.
 - e) Building façades which are visible from arterial roads, such as Stone Church Road, Rymal Road, Upper Red Hill Valley Parkway, Garner Road, north and south of Highway 2, other Provincial Highways, and adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use shall be finished with high quality materials, which will be determined through site plan control.”

The proposed Draft Plan of Subdivision application will be creating a minimum of three industrial blocks for development. At the Site Plan Control stage, the properties will need to develop in accordance with the permitted uses in the Official Plan and will need to be designed to comply with the design criteria in the Official Plan both of which have been implemented through the Zoning By-law. The design criteria includes the requirement for landscaping to be incorporated along the street and incorporating enhanced building designs. Staff are of the opinion that the proposed large block sizes will provide sufficient opportunity to comply with the Official Plan requirements and will be addressed at the Site Plan Control Stage.

Plan of Subdivision

- “F.1.14.1.2 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;
- 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*, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions. This proposal supports a healthy growing economy, provides for additional development charges revenue, provides employment opportunities, will not adversely impact the natural environment and will be integrated with the adjacent lands and roads subject to the approval of the Municipal Class Environmental Assessment. Therefore, the proposed Draft Plan of Subdivision complies with the UHOP.

Zoning By-law 05-200

The subject lands are zoned General Business Park (M2) Zone and Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200. The M2 Zone and M3 Zone permit a range of employment uses which includes, but is not limited to, Building and Contracting Establishment, Landscape Contracting Establishment, Manufacturing, Private Power Generation Facility, Warehouse and Trade School. The proposal conforms to Zoning By-law No. 05-200 in regards to the minimum Lot Area and Lot Frontage requirements of the M2 and M3 Zone for the proposed industrial blocks.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
Ministry of Transportation (MTO)	The Environmental Assessment identified a Road Widening across the Frontage of Highway 5 and it will need to be dedicated as a public Highway and shown on the Final Plan. In addition, the ministry advises that a minimum of 14 metre setback from the final right-of-way will be required for any blocks.	<ul style="list-style-type: none">• The Road Widening has been included as Condition No. 32 of Appendix “C” to Report PED20072.• The Stormwater

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	<p>The applicant will be required to submit a Stormwater Management Report to adhere to the accepted policies / standards and must be stamped and signed by a drainage engineer.</p> <p>The applicant will need to provide a Traffic Impact Study for review that will adhere to accepted standards and must encompass full build-out of the entire development.</p> <p>The Ministry's EA for the Highway 5/6 interchange includes a future municipal road network which will provide access for all the lands within this quadrant of the interchange that will lose access along highway frontage in the future when the interchange is built. The applicant will be required to provide a design and construction report for the proposal including detailed design plans for the new municipal road connection at highway 5.</p> <p>The owner is advised that they will have to enter into a legal agreement with the Ministry of Transportation where the owner agrees to assume financial responsibility for the design and construction of all highway improvements.</p> <p>The proposed Draft Plan of Subdivision is required to amend to the approved Highway 5 / 6 interchange which impacts the subject site. The applicant is advised that they will need to resolve obtain proof that the applicants have amended the approved Environmental Assessment prior to the Ministry of Transportation providing clearance of the Draft Plan of Subdivision conditions.</p> <p>Land Use Permit will be required prior to any construction or grading taking place.</p> <p>No direct driveway access will be permitted on Highway No. 5 and all access shall be through a municipal street.</p>	<p>Management has been included as Condition No. 29 of Appendix "C" to Report PED20072.</p> <ul style="list-style-type: none"> • The Traffic Impact Study has been included as Condition No. 30 of Appendix "C" to Report PED20072. • The applicant must submit and receive approval for internal road construction plans which has been included as Condition No. 31 to Appendix "C" to Report PED20072. • The owner must enter into a legal agreement to assume all financial responsibility to design and construct all highway improvements which has been included as Condition No. 33 in Appendix "C" to Report PED20072.
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	All external illumination must be directed away from the highway right-of-way and the developer is solely responsible for all noise mitigation measures.	
Transportation Planning Section, Planning and Economic Development Department	<p>The Transportation Impact Study and addendum previously submitted titled 43 Highway 5, Hamilton Transportation Impact Study, dated June 2019, prepared by Paradigm Transportation Solutions Limited has been approved by Transportation Planning without further revisions being required.</p> <p>The applicant is advised that they will need to provide a 26 metre right-of-way for the Solar Drive extension from the existing right-of-way of Solar Drive to the adjacent property and provide a 1.5 metre sidewalk will need to be provided on both sides of the road. The applicant will need to provide engineering design and cost schedule for the sidewalk. In addition the applicant will be required to conceptual pavement markings and traffic signal plan for the proposed road network.</p> <p>The applicant will need to provide information to undertake the engineering design and cost schedule provision for the signalization of street 'A' and Highway No. 5.</p> <p>The applicant is advised that they will need to provide a 4.5 metre wide access easement in favour of the property at 39 Highway No. 5 West over the subject Draft Plan lands will be required.</p> <p>The applicant has advised that a temporary cul-de-sac will be required for the extension of Solar Drive until such time that the ultimate road network is constructed.</p> <p>Staff advise as per Ministry of Transportation</p>	<ul style="list-style-type: none"> • The road network requirements have been included as Condition Nos. 24, 26, and 27 in Appendix "C" of Report PED20072. • The owner will have to undertake engineering design and cost schedule provisions for the signalization of Street 'A' and Highway No. 5 which is Condition No. 25 in Appendix "C" of Report PED20072. • The owner will be required to provide an access easement to 39 Highway No. 5 which has been included as Condition No. 28 in Appendix "C" of Report PED20072. • A note requiring that all Ministry of Transportation conditions be cleared has been included as Note No. 3 in Appendix "C" to Report PED20072.

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	<p>comments the proponent will need to amend the current approved Provincial Class Environmental Assessment for the Highway 5 / 6 interchange.</p>	
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p>	<p><u>Road Network Comments</u> The proponent shall demonstrate that they have obtained the MTO approval for the proposed intersection of Highway No. 5 West and Street 'A'. In addition, it appears that Block 5 on the Draft Plan matches the land requirements from the subject lands for installation of the future clover leaf interchange as per the MTO Class EA study and shall be dedicated to the City of Hamilton.</p> <p>It appears that the proposed road alignment does not reflect the MTO Class EA document i.e. Street 'B1' is removed, and Street 'B2" (Solar Drive extension) is shifted to the south. Therefore, the proponent will be required to complete an addendum to the MTO Class EA document in order to obtain approval of the revised road alignment at their cost and to prove that no Part II order (bump-up) request has been filed with the Ministry of the Environment, Conservation and Parks prior to registration. Also, the owner will be required to demonstrate feasibility for installation of the future street to the north of Solar Drive extension by providing a functional design of the road and the future intersection that must be designed to facilitate turning of vehicles and in accordance with the current City's guidelines. Staff note that the information provided on dwg. C-109, Future North-South Road Extension, by. S. Llewellyn & Associates Limited, suggest that the existing ditch on the adjacent lands may be affected by the proposed right-of-way. For the information of the proponent, a 4.0m wide buffer between the top of the existing ditch and the proposed public road shall be</p>	<ul style="list-style-type: none"> • These matters are being addressed as Conditions No. 1 – 23 and Notes 4 – 6 in Appendix "C" to Report PED20072.

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	<p>provided to maintain the existing drainage features. Subject to the City's acceptance of the preliminary design of the future street, the owner may be required to revise the alignment and size of Block 4 on the final M-plan. Furthermore the owner is required to secure the cost for installation of the future street.</p> <p>The future cloverleaf interchange at the existing intersection of Highway No. 5 and Highway No. 6 (by the MTO) will affect the access to the existing developments adjacent or near the subject lands. Therefore, a 4.5 wide access and servicing easement in favour of the property at 39 Highway No. 5 West over the draft plan lands will be required.</p> <p>The existing turning circle at the end of Solar Drive must be removed.</p> <p>As per City of Hamilton Guidelines, a temporary turning circle will be required in the interim condition at the end of the Solar Drive extension to provide for turning of maintenance vehicles. This must be shown as a separate block on the draft plan, which will eventually be granted back to the developer at the future phase when the Solar Drive extension is complete. Alternatively, if the lands for installation of a permanent turning circle to the east of Block 4 onto the adjacent lands, owned by others, became available the proponent will be required to complete the road works at their cost.</p> <p>In accordance with the Hamilton Pedestrian Mobility Plan the proposed streets within the draft plan lands shall provide for installation of sidewalk on both sides of the street. The proposed 26.0m wide right-of-way may not be sufficient to accommodate the proposed typical road cross section. The proposed road</p>	
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	<p>cross section by S. Llewellyn & Associates Limited does not provide for proper drainage of the road base. These issues shall be resolved prior to final M-plan registration. The owner will be required to complete the final surface asphalt installation no later than 3 years from the date of completion of the binder asphalt.</p> <p><u>Servicing and Storm Water Comments</u></p> <p>For the information of the proponent, as a part of the future works for construction of the interchange there are proposed works for relocation of the existing watermains and sanitary sewer on Highway No. 5 and Highway No. 6 that may not have been accounted for in the Functional Servicing Report and Stormwater Management Report, by. S. Llewellyn and Associates dated December 2019. Therefore, the Owner will be required to demonstrate that the proposed servicing concept for the subject lands fits into the ultimate servicing concept for the lands affected by the future cloverleaf interchange.</p> <p>The City supports an eco-friendly design proposal to provide quality control of road runoff via treatment train approach i.e. ditches, bioswales, etc. However, staff note that additional details in regards to the sediment loading, maintenance, clogging, design of the inlet structures and capital cost replacement will be required prior to acceptance of the proposed stormwater management concept at the detailed design stage.</p> <p>Staff advise that the proponent must obtain permission to construct the proposed storm outfall within the private lands to the east at their cost. Otherwise, a 9.0m wide easement must be granted in favour of the City along the east property line of Lot 3.</p>	
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	<p>Staff note that based on the Flamborough Industrial Park – Phase 2 Sanitary Drainage Area Plan (prepared by S. Llewellyn & Associates Limited, dated April 2013), the existing 300mmø sanitary sewer along Solar Drive was designed to accommodate 10.7 ha of external drainage from the east, including the subject lands.</p> <p><u>Source Water Protection Comments</u></p> <p>Given shallow groundwater levels in certain portions of the subject lands and the likely need for dewatering, staff require a door-to-door water well survey in support of the development given that the subject lands are on the edge of the urban/rural boundary, and some properties nearby rely on private water servicing. A local door-to-door water well survey within the expected radius of influence or within 500 m of the property (whichever is greater) would be required. This survey should include but is not limited to the well location, construction details, and copies of the well records. If active wells are found from this survey, a letter should be circulated to all affected residents and monitoring of these wells before, during, and after dewatering activities would be required. The proponent should also demonstrate how any dewatering discharge will not impact local water resources and provide mitigation strategies in case impacts arise. This will help protect both the proponent and local well owners.</p> <p>If dewatering is required to support construction activities and conveyed to municipal infrastructure, the applicant is reminded that dewatering discharge must comply with City of Hamilton Sewer Use Bylaw standards. Email sewerusebylaw@hamilton.ca to better understand water discharges to City infrastructure. If dewatering is expected to</p>	
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	<p>exceed 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment, Conservation, and Parks may be required.</p> <p><u>General Comments</u></p> <p>The north limit of Lot 3 on the draft plan is adjacent to Borer's Creek. A 1.5m high chain link fence shall be installed between the public and private lands, entirely within the private lands, at the owner's cost.</p> <p>Staff note there will be no city share for the proposed works (including the proposed storm sewer along the north-south road extension) as this is a non-residential development.</p> <p>Staff advise that due to the existing pavement condition of Solar Drive, the City will not allow using the existing road as a construction access for the proposed development. Therefore, the proponent shall obtain an MTO permit to establish a construction access for the site prior to commencement of the works.</p>	
Recreation Department	<p>Through revisions and amendments made to the Draft Plan approval, staff are satisfied with the cul-de-sac on existing recreation lands.</p> <p>Staff recommends that the road construction on the City of Hamilton lands be scheduled between Mid-May to Mid-August, to reduce the impact on the arena users requiring access to the site, parking area, open space, etc.</p>	<ul style="list-style-type: none"> Noted and will be implemented through the development approvals process
Forestry and Horticulture Section, Environmental	<p>The applicant will be required to submit a Tree Management Plan for the proposed subdivision.</p>	<ul style="list-style-type: none"> The Tree Protection Plan has been addressed as Condition No. 37 in

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SUBJECT: Application for a Draft Plan of Subdivision for Lands Located at 43 Highway No. 5, Flamborough (PED20072) (Ward 15) - Page 18 of 23

Services Division, Public Works Department	<p>Forestry's Landscape Plan condition relating to street trees will be deferred to the Site Plan stage of each individual Blocks for lots 1, 2 and 3.</p> <p>A Landscape Plan for the road extensions is required to show street tree requirements as Forestry will not have an opportunity to recover these fees through the Site Plan applications.</p>	<p>Appendix "C" to Report PED20072.</p> <ul style="list-style-type: none"> The Landscape Plan has been addressed as Condition No. 38 in Appendix "C" to Report PED20072.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<p>This property is ineligible for municipal waste collection service based on the City's Solid Waste Management By-law 09-067, as amended.</p>	<ul style="list-style-type: none"> This requirement is being addressed as Note No. 2 in the Conditions of Draft Plan of Subdivision approval (see Appendix "C" to Report PED20072).
Hamilton Conservation Authority (HCA)	<p>The Hamilton Conservation Authority has no further comments regarding the Environmental Impact Statement.</p> <p>In reviewing the revised FSR/SWM report (S. Llewellyn and Associates, June 2019), HCA are satisfied with the overall servicing approach for the site. However, further to comments provided to the applicant, there remains a number of technical issues that require further detail or clarification in the final Stormwater Management report.</p> <p>A portion of the property includes lands adjacent to Borers Creek regulated by the HCA pursuant to the Ontario Regulation 161/06 (HCA's Regulation of development, interference with wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O 1990. Future development of Block 3 may require approval from the Hamilton Conservation Authority.</p>	<ul style="list-style-type: none"> The final SWM Report and Engineering Drawings has been included as Condition No. 34 in Appendix "C" of Report PED20072.

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	<p>The North portion of the subject property is regulated by HCA given the potential for flooding and erosion hazards associated with Borer's Creek. However, the flooding and erosion hazard limits have been identified and are located beyond the property and contained within the City owned creek lands.</p> <p>HCA would have no objection to the issuance of Draft Plan Approval with the recommendation that a draft plan Condition be added requiring the approval of the full SWM report and associated engineering drawings.</p>	
Union Gas	<p>Requested that as a condition of final approval, the Owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project.</p>	<ul style="list-style-type: none">• This requirement is being addressed as Condition No. 36 in Appendix "C" to Report PED20072.
Bell Canada	<p>Requested that the Owner indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.</p>	<ul style="list-style-type: none">• This requirement is being addressed as Condition No. 35 of Appendix "C" to Report PED20072.
Growth Planning	<p>Pursuant to Section 51 (32) of the <i>Planning Act</i>, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.</p>	<ul style="list-style-type: none">• The information has been added as Note No. 1 in Appendix "C" to Report PED20072.

Public Consultation		
	No comments received.	

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the approval of the Draft Plan of Subdivision was sent to 39 property owners within 120 m of the subject lands on June 14, 2017. A Public Notice sign was also posted on the property on June 29, 2017 and updated on June 10, 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was given to 69 owners in accordance with the requirements of the *Planning Act* on June 19, 2020.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the applicant and the City initiated conversations with a neighbouring property owner affected by the proposed modifications to the currently approved Environmental Assessment for the Highway 5 / 6 interchange. After the initial conversation, the applicant has continued to have conversations with the property owner. The applicant / owner will be required to contact all of the affected property owners to obtain approval of the road layout modifications as identified in comments provided by the Ministry of Transportation and the City Transportation Planning Division.

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 A Place to Grow (2019);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed subdivision represents good planning since it is an extension of the existing employment subdivision and extends existing municipal resources for the subject lands.
2. The proposed Draft Plan of Subdivision is subject to a currently approved Provincial Class Environmental Assessment for the Highway 5/6 Interchange which includes an approved municipal road network that provides access for all of the properties within the quadrant of the interchange that will lose their access on Highway No. 5 and Highway No. 6 when the interchange is built. The subject

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lands are located within the quadrant defined as west of Highway No. 6, north of Highway No. 5, south of Borers Creek and east of Coreslab Drive.

As part of the proposal, the applicant is requesting to modify the alignment of Street B, B1 and B2 from what was approved in the Provincial Class Environmental Assessment. The current layout proposes that the new street that connects the quadrant to the Highway No. 5 road network would be longer than what was initially proposed. In addition the proposed road alignment for the properties currently accessing Highway No. 6 has been modified from the previous approval. The proposed layout moves the road straddling the current lot line on the east side (between the subject lands and City of Hamilton recreation lands) and moves the cul-de-sac to the rear of the building. As part of the application, the land owned by the applicant will be transferred to the City as a condition of draft plan approval. The applicant submitted studies which were included and reviewed as part of the application which inform the modifications to the road network as approved through the environmental assessment.

Through the application process the Ministry of Transportation identified that an addendum is required to the currently approved Environmental Assessment for the Highway 5 / 6 interchange for the modifications proposed through the Draft Plan of Subdivision application. A TESR addendum was completed in 2013. A 5-year review will be required and if the changes are significant, another addendum may be required to amend the existing approved provincial Class EA. A Design and Construction Report is also required, and can be combined with the TESR addendum. The Ministry will review these documents before being finalized. As per the Class EA, if the parties most affected by the changes can be clearly identified, and after discussion those parties provide written agreement that an addendum is not required, then a formal environmental assessment addendum does not need to be prepared. There are approximately 13 properties that would be required to provide proof of approval for the Ministry to be satisfied (Condition No. 3 in Appendix "C" of report PED20072).

3. 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 and conforms to A Place to Grow (2019);
 - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - (c) It complies with the applicable policies of the Urban Hamilton Official Plan;

- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision will be compatible with the existing road network and lot fabric of the existing employment lands;
- (f) The proposed road will adequately service the proposed subdivision and is a logical extension the current road pattern within the industrial park;
- (g) The dimensions and area of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the current permitted uses within the applicable zones;
- (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
- (i) Adequate utilities and municipal services are available to service the proposed lots within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The application will not have any negative impact on the City's finances.

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

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the General Business Park (M2) Zone and Prestige Business Park (M3) Zone, a range of employment uses on the subject land which includes, but is not limited to, Building and Contracting Establishment, Landscape Contracting Establishment, Manufacturing, Private Power Generation Facility, Warehouse and Trade School.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

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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” – Draft Plan of Subdivision

Appendix “C” – Draft Plan of Subdivision Special Conditions