



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

Table with 2 columns: Field Name and Value. Fields include TO, COMMITTEE DATE, SUBJECT/REPORT NO, WARD(S) AFFECTED, PREPARED BY, SUBMITTED BY, and SIGNATURE.

RECOMMENDATION

That Zoning By-law Amendment Application ZAR-18-050 by Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited, (Owner), for a further modification to the Agriculture (A1, 273) Zone to permit an expansion of the existing nursery operation...

- (i) That the draft By-law, attached as Appendix "B" to Report PED20130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment application is to rezone the subject lands to permit an expansion to the existing 4,503 sq m wire basket and moss products operation (increase the size to 8,900 sq m). The Zoning By-law Amendment will also rezone additional areas on the subject lands that are part of the Welland River Floodplain from the Agricultural (A1) Zone to the Conservation Hazard Lands Rural (P7) Zone to further protect these lands long term and to permit outdoor storage to be located in the front yard.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Greenbelt Plan (2017) and complies with the Rural Hamilton Official Plan; and,
- It represents good planning by facilitating the continued viability of an agricultural use.

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet:

Application Details	
Applicant/Owner:	Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited
File Number:	ZAR-18-050
Type of Application:	Zoning By-law Amendment
Proposal:	To permit an expansion to the nursery operation (wire basket and moss products).

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Property Details	
Municipal Address:	2004 Glancaster Road
Lot Area:	80.08 ha
Lot Frontage:	210.8 m (abutting the road allowances of Glancaster Road and Carluke Road East).
Servicing:	Septic and well.
Existing Use:	<p>A nursery that produces wire baskets and moss products to support the nursery operation.</p> <p>The site contains several existing buildings that support the nursery operation. These include:</p> <ul style="list-style-type: none"> • An existing 4,503 sq m building that produces wire baskets and moss products; • 486 sq m greenhouse; • 300 sq m barn; • 137 sq m and 196 sq m storage supply buildings; • 300 sq m single detached dwelling which has been converted into an office for the nursery; • Outdoor storage area located on the southern portion of the property; and, • A gravel parking lot near the front entrance used for employees and customers.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan.
Official Plan Existing:	<ul style="list-style-type: none"> • Agriculture <ul style="list-style-type: none"> ○ Permits agricultural uses
Official Plan Proposed:	No amendment proposed.

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Zoning Existing:	<ul style="list-style-type: none"> • Conservation Hazard Lands – Rural (P7) Zone • Agriculture (A1) Zone • Agriculture (A1, 273) Zone <ul style="list-style-type: none"> ○ Permits a wire basket making and moss products business and use accessory thereto up to a maximum lot coverage of 13%, but shall not exceed 5,500 sq m ○ Outdoor storage shall only be permitted in the side or rear yards
Zoning Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> • Agriculture (A1, 273) Zone with further modifications <p>Niagara Peninsula Conservation Authority Requested:</p> <ul style="list-style-type: none"> • Conservation Hazard Lands – Rural (P7) Zone on a portion of the subject lands to protect areas of the Welland River Floodplain
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> • Maximum lot coverage of 8,900 sq m; • Permit outdoor storage in the front yard; and, • The requirement of paving an existing 10 m access driveway shall not apply. <p>Staff Recommended:</p> <ul style="list-style-type: none"> • Maximum lot coverage of 13%, but shall not exceed 8,900 sq m; • Permit outdoor storage in the front yard; • Revise the wording in the special exception No. 273 to change the property address from 0 Carluke Road East to 2004 Glancaster Road; and, • The requirement of paving an existing 10 m gravel access driveway will continue to apply.
Processing Details	
Received:	September 20, 2018
Deemed Incomplete:	<p>October 19, 2018</p> <ul style="list-style-type: none"> • Application was submitted without the required Hydrogeological Study
Deemed Complete:	May 23, 2019
Notice of Complete Application:	Sent to 25 property owners within 120 m of the subject property on May 30, 2019.

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Public Notice Sign:	June 24, 2019 and updated August 26, 2020.
Notice of Public Meeting:	September 4, 2020
Public Consultation:	Information letter was sent to 25 neighbouring property owners within 120 m on October 10, 2018 by Fothergill Planning & Development Inc. on behalf of the owner.
Public Comments:	None
Processing Time:	733 days

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Nursery with wire basket and moss products building	Agriculture (A1) Zone, Conservation / Hazard Land – Rural (P7) Zone and Agriculture (A1, 273) Zone
<u>Surrounding Lands:</u>		
North	Agriculture and single detached dwellings	Rural (A2) Zone
East	Agriculture and single detached dwellings	Agriculture (A1) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone
South	Agriculture, single detached dwellings and kennel	Agriculture (A1) Zone and Agriculture (A1, 98) Zone
West	Agriculture and single detached dwellings	Agriculture (A1) 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 (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the

PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019). The application has been reviewed with respect to the Provincial Policy Statement (PPS), which came into force and effect on May 1, 2020.

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, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Cultural Heritage and Archaeology

Staff note the Cultural Heritage policies have not been updated within the UHOP 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 property meets three of ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

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As the application for a change in zoning complies with the Rural Hamilton Official Plan, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the PPS (2020) and the Greenbelt Plan (2017); and,
- complies with the Rural Hamilton Official Plan.

Rural Hamilton Official Plan (RHOP)

The subject lands are identified as "Agriculture" on Schedule "D" – Rural Land Use Designations, in the Rural Hamilton Official Plan. The following policies, amongst others, apply to the proposal.

Agriculture Designation

"D.2.1 Uses permitted in the Agriculture designation are limited to *agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses as set out in the following policies.*

D.2.1.1 *Agricultural uses are permitted subject to the policies of this Plan."*

A nursery is a permitted agricultural use under the Agriculture Designation of the Rural Hamilton Official Plan. The proposal is to permit an expansion of the existing nursery operation (wire basket and moss products) to a maximum of 8,900 sq m. The wire baskets protect the trees grown at the applicant's nursery during transport to markets and ensure uniform, healthy tree growth. The proposed expansion will facilitate the continued production of the wire baskets required to protect the nursery crops.

The applicant advises that the existing 4,503 sq m building is more than forty years old and is no longer functional for the business as it is too small, has low ceilings and cannot accommodate a forklift. The applicant wishes to diversify their business by introducing burlap into the wire basket and moss products process. The burlap is required to wrap the root blub of the trees to protect them during transport. In order to achieve this diversification, the company needs to expand their operations to accommodate a larger building size to store the burlap on site. This will allow the nursery operation to have all materials on site resulting in a more efficient process.

Although, the expansion will be larger than what is permitted in the Agriculture (A1, 273) Zone, the proposed development is considered an agricultural use and is necessary for the existing nursery operation to expand their business. Therefore, the proposed expansion complies with the RHOP.

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Natural Heritage System – Core Areas

The subject lands are identified as “Core Area and Protected Countryside” on Schedule “B” – Natural Heritage System and “Key Hydrologic Feature Streams on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Feature Streams in the Rural Hamilton Official Plan. The following policies, amongst others, apply to the proposal.

- “C.2.3.1 The Greenbelt Plan has identified a Natural Heritage System within the Protected Countryside, which shall be incorporated on Schedule B – Natural Heritage System. In accordance with Greenbelt Plan policies, Schedule B – Natural Heritage System, identifies Core Areas to include key natural heritage features and key hydrologic features and any associated vegetation protection zones. Core Areas of the City's Natural Heritage System also include other locally and provincially significant natural areas that have been identified within and outside the Greenbelt Plan Area. Schedule B – Natural Heritage System will be amended when new Core Areas are identified.
- C.2.3.2 Core Areas include key natural heritage features, key hydrologic features, including any associated vegetation protection zones, and provincially significant and local natural areas that are more specifically identified by Schedules B-1 to B-8 – Detailed Natural Heritage Features.”

Through review of the application and floodplain mapping, staff from the Niagara Peninsula Conservation Authority (NPCA) have identified areas of the Welland River Floodplain on the subject lands that were not included in the Conservation Hazard Lands – Rural (P7) Zone. Accordingly, the NPCA has requested that staff include these new areas in Conservation Hazard Lands – Rural (P7) Zone to prohibit future development or any site alterations from occurring within these lands.

As these lands are already identified as “Core Area and Protected Countryside” on Schedule “B” – Natural Heritage System and “Key Hydrologic Feature Streams on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Feature Streams in the Rural Hamilton Official Plan, staff are proposing to rezone a portion of the property from the Agriculture (A1) Zone to the Conservation Hazard Lands – Rural (P7) Zone to protect the lands identified by the NPCA.

The newly identified areas will not be impacted by the proposed expansion as it will be located approximately 229 m from the limits of the Welland River Floodplain. Furthermore, the lands within the identified area are currently being used for agriculture and will not be impacted by the zoning change as agriculture is a permitted use. Therefore, the proposal conforms the Natural Heritage policies of the RHOP.

Airport Area Policies

The subject lands are located within the 28-30 Noise Exposure Forecast Contours on Appendix "D" – Noise Exposure Forecast Contours. The following policies, amongst others, apply to the proposed development:

- "C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) there shall be no negative impact on the long-term operations of the Airport;
 - b) The opportunities for expansion of airport operations shall not be limited;
 - c) there are no lands uses in the vicinity which may cause a potential aviation hazard; and,
 - d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansions of airport operations shall be restricted.
- C.4.8.7 All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 - Noise, Vibration and Other Emissions.
- C.4.8.8 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.
- C.4.8.10 Any permitted development, redevelopment or infill development at or above 25 NEF or within the Airport Influence Area shall be required to submit a detailed noise study, implement noise mitigative measures in accordance with provincial and federal guidelines/standards or municipal approaches that achieve the same objective, and include appropriate warning clauses in lease or rental agreements, agreements of purchase and sale, and within development agreements."

The subject lands are located between the 28-30 Noise Exposure Forecast Contours on Appendix "D" – Noise Exposure Forecast Contours in the Rural Hamilton

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Official Plan. They are not located within the Airport Influence Area or Primary Zoning Area. The proposal is for an 8,900 sq m wire basket and moss products building which is agriculture. Therefore, based on the definition of a sensitive land use in the RHOP, the proposal is not considered a sensitive land use and would not be subject to the airport policies or require a noise study.

The Hamilton International Airport reviewed the application and determined that the proposal falls within the approach for Runway 06. Therefore, the ground elevation and building height (including any antennas/towers) cannot exceed 251 m above sea level. The property is located at 223 m above sea level and the proposed expansion will have a building height of 10.5 m, making the total ground elevation for the site 233.5 m. Therefore, the proposal complies with the John C. Munro Hamilton International Airport Zoning Regulations SOR/2017-200.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned Agriculture (A1) Zone, Agriculture (A1, 273) Zone and Conservation/Hazard Land – Rural (P7) Zone. The majority of the property is zoned Agriculture (A1) Zone which comprise the nursery operation. The southern portion of the property is zoned Agriculture (A1, 273) Zone and houses the wire basket and moss products building and the remainder of the property is zoned Conservation/Hazard Land – Rural (P7) Zone. (See Appendix “A” to Report PED20130).

The Zoning By-law Amendment application applies to the southern 11.07 hectare portion of the property which is zoned Agriculture (A1, 273) Zone.

The Niagara Peninsula Conservation Authority identified areas to be rezoned to the Conservation /Hazard Land – Rural (P7) Zone in order to protect the Welland River Floodplain.

The Agriculture (A1, 273) Zone permits a wire basket and moss products business and uses accessory thereto to a maximum lot coverage of 13% but shall not exceed 5,500 sq m. The applicant has applied for a Zoning By-law Amendment to permit an 8,900 sq m wire basket and moss products building with a maximum lot coverage of 13%. Modifications to the property address and outdoor storage are required to facilitate the development.

The applicant requested a modification to not require a paved access driveway. Through the review of the application and it was determined that the modification could not be supported as it posed a potential safety risk to other road users.

An evaluation of the proposed modifications is included in Appendix “D” to Report PED20130.

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RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Budgets and Finance, Corporate Services Department; • Recycling & Waste Disposal, Environmental Services Division; • Healthy and Safe Communities Department; • Strategic Planning, Public Works Department; • Hamilton Fire Department; • Recreation Planning; • Community Planning; • Transit Strategy & Infrastructure Division, Public Works Department; • Union Gas; • Bell Canada; • Canada Post; • Cogeco; • Hydro One Networks; and, • Grand River Conservation Authority. 	No Comment
	Comment	Staff Response
Forestry & Horticulture, Public Works	<ul style="list-style-type: none"> • Have indicated that there are municipal trees on site, however it is determined that there will be no anticipated impact, therefore a Tree Management Plan and Landscape Plan are not required. 	<ul style="list-style-type: none"> • Forestry staff will not require a Tree Management Plan or Landscape Plan as part of the future Site Plan application.
Healthy Environments Division	<ul style="list-style-type: none"> • Have indicated that if the proposed development will use a cooling tower for air conditioning or other cooling needs, the owner of the development is required to register their cooling tower(s) with Public Health Services (PHS) and comply with 	<ul style="list-style-type: none"> • The applicant has been advised of these requirements should a cooling tower be proposed.

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	<p>Hamilton Cooling Tower Registry Bylaw # 11-078.</p> <ul style="list-style-type: none"> Initially required Pest Control Plan and Dust Management Plan. Healthy Environments Division staff attended a site visit on November 28, 2019 and determined that although Dust Management Plans are typically asked for when a lot or building GFA exceeds 1 acre, the department will be waiving the formal requirement of a DMP for this application. Good dust management practices should still be put in place for both the construction and demolition phase. After further review of the application, the Healthy Environment Division determined that the requirement for a Pest Control Plan can be waived as the property is located in the Rural Area. 	<ul style="list-style-type: none"> Staff note that these requirements are usually addressed as part of the Site Plan Control application.
<p>Transportation Planning, Planning and Economic Development</p>	<ul style="list-style-type: none"> Transportation Planning staff have advised that they are not supportive of allowing a gravel driveway access as gravel traction can create problems for other road users, track dust onto the roadway and cause unsafe driving conditions. Require a turning plan to be illustrated on the site plan demonstrating how 	<ul style="list-style-type: none"> The applicant requested a modification to not require a paved access driveway. Through the review of the application and it was determined that the modification could not be supported as it posed a potential safety risk to other road users. Therefore, staff have not included the modification in the draft zoning by-law.

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	<p>large trucks (and emergency vehicles, if required by OBC) will maneuver in and out of the site without any limitations.</p>	<ul style="list-style-type: none"> • The turning plan will be submitted as part of the Site Plan Control application.
<p>Engineering Approvals</p>	<ul style="list-style-type: none"> • Approvals staff have reviewed the application, and the associated Servicing Brief prepared by Peto MacCallum Ltd., dated May 28, 2020 and revised July 27, 2020. Staff do not have any objections to the proposed zoning change, however the owner will be required to submit a Stormwater Management Report identifying the existing drainage conditions and establish a suitable drainage outlet for the proposed site. • The Servicing Brief evaluated the water quantity, water quality and impact assessment of wastewater for the site and contained the following information: <u>Map</u> • A map of all water and wastewater features on site including wells, cisterns and sewage disposal systems to ensure that a reserve area bed has been delineated and that all OBC Part 8 minimum clearance distances are met. 	<ul style="list-style-type: none"> • The proponent will be required to submit a Stormwater Management Report as part of the Site Plan Control process. • Staff have reviewed the Servicing Brief and determined that the daily design flows for the septic system and holding tanks on the subject property are less than 10,000 L/day. Therefore, the proposal meets the requirements of Section C.5.1 Private Water and Wastewater Services of the Rural Hamilton Official Plan.

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	<p><u>Water</u></p> <ul style="list-style-type: none"> • Water well records for wells providing potable water on site to determine if the wells are providing safe water. <p><u>Wastewater</u></p> <ul style="list-style-type: none"> • The proposed wastewater system including the location of the tanks and leaching bed; • Information on the number of employees per day; and, • Information on the loading bays and if there will be an impact to the daily designed sewage flow calculations requiring changes to the septic system as per OBC policy. 	
<p>Ministry of Transportation</p>	<ul style="list-style-type: none"> • Have indicated that in principle they have no objection to the application, however the subject lands are located next to Highway No. 6 property limits and therefore fall within their permit control area. • The provided concept plan indicated the current development proposal will be placed on the south part of the land, far away from the Highway No. 6 ROW and therefore physically outside of MTO's permit area. • If this development proposal will be reviewed 	<ul style="list-style-type: none"> • The proposal has not changed since it was circulated to MTO for comment. Staff will continue to circulate MTO on all development applications associated with this property and keep them apprised of any changes to the development.

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	<p>under Site Plan application, without any changes to the layout and the footprint of the building, as indicated on the concept plan, the ministry will have no concerns with the proposal.</p> <ul style="list-style-type: none"> • However, if any additional grading will occur within the ministry permit control area; activity within 45 m of Highway No. 6 limits, or within 395 m radius of centrepont of Glancaster Road and Highway No. 6, and/or any further future redevelopment of the site, we will require a full engineering submission for our review and comment. 	
<p>Niagara Peninsula Conservation Authority</p>	<ul style="list-style-type: none"> • Have indicated that they do not have any objections to the application provided that all lands falling within the Welland River Floodplain on this property be placed within an Environmental Protection zone (or other applicable category) to ensure no new development or site alteration are permitted within the flooding hazard. 	<ul style="list-style-type: none"> • Staff have proposed to rezone a portion of the property from the Agriculture (A1) Zone to the Conservation / Hazard Lands – Rural (P7) Zone in order to protect all lands within the Welland River Floodplain (See Appendix “B” to Report PED20130).
<p>Hamilton International Airport</p>	<ul style="list-style-type: none"> • Have indicated that the proposed building falls within the approach for Runway 06. Therefore, the ground elevation and building height (including any antennas/towers mounted atop) cannot 	<ul style="list-style-type: none"> • Based on the submitted topographical survey, the property is located at 223 m below sea level, which is 28 m less than the limit imposed by the airport regulations. The Agriculture (A1, 273) Zone permits a maximum building

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	<p>exceed 251 m above sea level.</p> <ul style="list-style-type: none"> • It is also recommended that noise mitigation measures be implemented in accordance with provincial and federal guidelines/standards. • As a result of the proposed structure being located under the approach surface for Runway 06, a Notice to Airmen (NOTAM) may be needed in the event a crane is used during the erection of the structure. • The proposal should also be submitted to NAV CANADA and Transport Canada for air navigational system assessment and obstruction evaluation respectively. 	<p>height of 10.5 m. Therefore, the total elevation for the proposal would be 233.5 m and would comply with the airport regulations.</p> <ul style="list-style-type: none"> • Staff have reviewed the proposal and determined that the expansion is not a sensitive land use. Therefore, based on policy B.3.6.3.9 of the RHOP, a noise study is not required. • The owner will be required to provide the requested information to the Airport Operations Centre and submit the proposal to NAV CANADA and Transport Canada for review. These requirements will be a condition of Site Plan approval.
Public Consultation		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	

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 of the proposal was sent to 25 property owners within 120 m of the subject lands on May 30, 2019.

A Public Notice Sign was posted on the property on June 24, 2019 and updated with the Public Meeting date on August 26, 2020. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act* on September 4, 2020.

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Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant has prepared a Public Consultation Strategy which included an Information Letter delivered to 25 residents within 120 m of the subject property on October 10, 2018. No letters of concern or public submissions have been received to date.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan;
 - (ii) It complies with the general intent and purpose of the Rural Hamilton Official Plan; and,
 - (iii) The proposed use maintains the property in agricultural use supporting the continuing viability of an agricultural-related use and nursery operation.

2. Zoning By-law Amendment

The subject lands are currently zoned Agriculture (A1) Zone, Agriculture (A1, 273) Zone and Conservation/Hazard Land – Rural (P7) Zone in the City of Hamilton Zoning By-law No. 05-200.

The proponent has requested the subject lands be further modified to permit an 8,900 sq m wire basket and moss products building with a maximum lot coverage of 13%, permit outdoor storage in the front yard and request relief from providing a paved access driveway. In addition, the Niagara Peninsula Conservation Authority identified additional areas on the subject lands within the Welland River Floodplain that should be rezoned to the Conservation/Hazard Land – Rural (P7) Zone in order to further protect the floodplain lands.

The wire basket and moss products building is a permitted use under the Agriculture Designation of the RHOP and the Agriculture (A1, 273) Zone. Staff are in support of these changes as it allows for the expansion of an existing agriculture use and further protects the natural features on the property from future development or site alteration.

The subject application will further modify the Agriculture (A1, 273) Zone to permit a maximum lot coverage of 13%, but shall not exceed 8,900 sq. m, outdoor storage in the front yard and will correct the Special Exception address. These modifications are consistent with the existing condition on site and within the

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 2004 Glancaster Road (Ancaster) (PED20130) (Ward 12) - Page 18 of 19

immediate rural area and are further discussed in Appendix "D" to Report PED20130. Therefore, staff support the proposed change in zoning.

The applicant has requested a modification to Section 5.2 e) iii) b) for relief of a paved driveway access. Staff note that the driveway has existed for more than sixty years, however the City is obligated to ensure safe access is maintained. Therefore, staff are not supportive of this modification as gravel traction can create problems for other road users, track dust onto the roadway and cause unsafe driving conditions. As a result, staff have not included the modification in the draft zoning by-law.

3. A future site plan control application will be required to facilitate the development.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the Agriculture (A1, 273) Zone and would be able to expand the wire basket and moss products building to a maximum size of 5,500 sq. m. The areas identified by NPCA to be rezoned to Conservation / Hazard Land – Rural (P7) Zone would be implemented through a future Housekeeping Amendment to the City of Hamilton Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

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

Built Environment and Infrastructure

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

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Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law

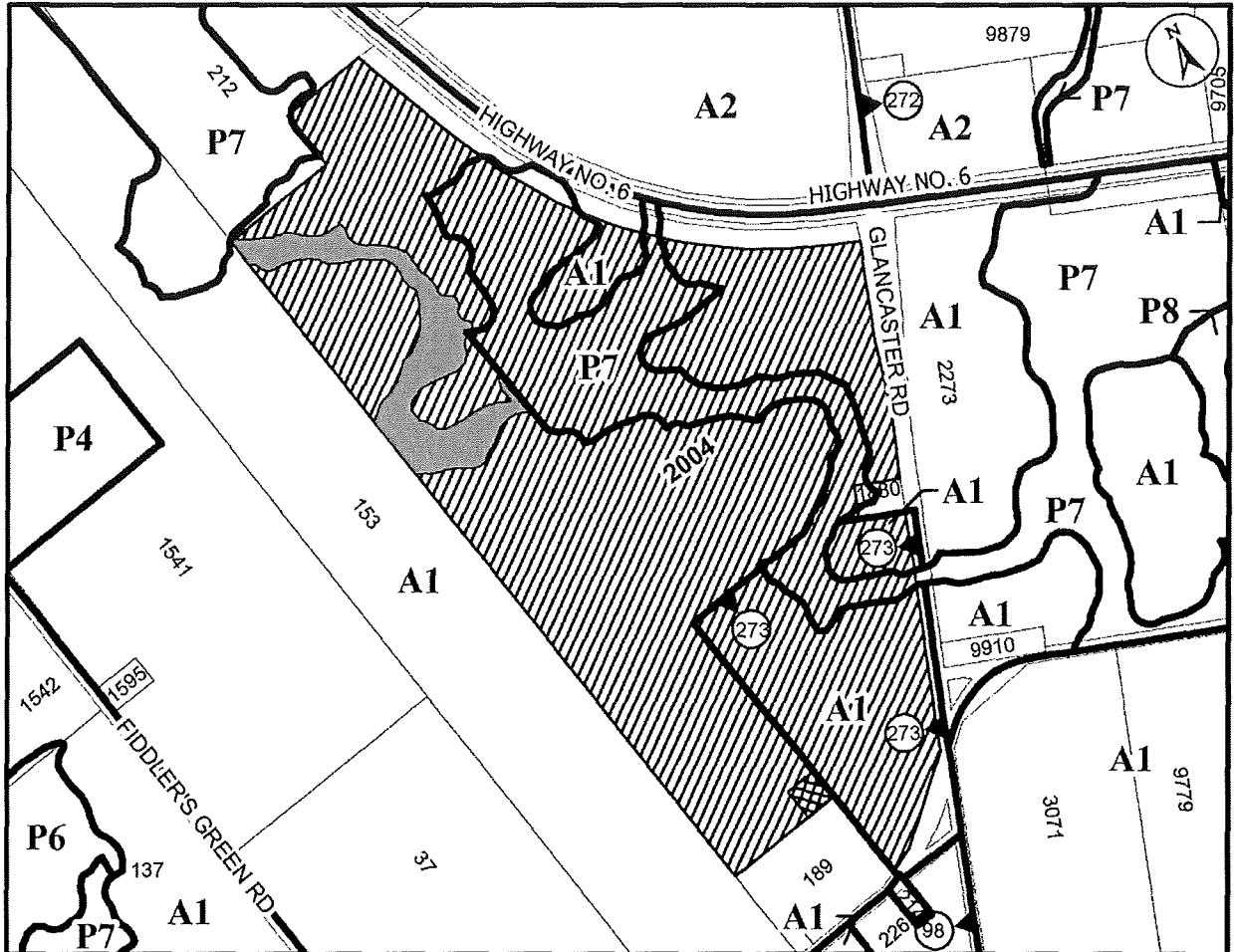
Appendix "C" – Concept Plan

Appendix "D" – Zoning Modification Chart

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● Site Location

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-18-050

Date:
August 13, 2020




Appendix "A"

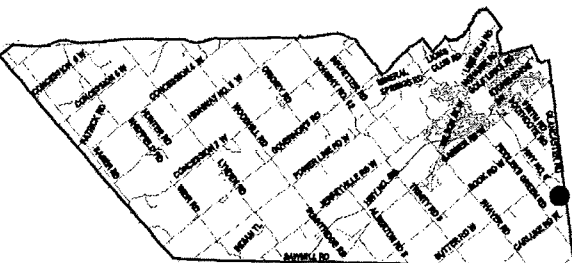
Scale:
N.T.S

Planner/Technician:
EM/VS

Subject Property

2004 Glancaster Road, Ancaster

-  Block 1 - Lands to be added to Zoning By-law No. 05-200 as Agriculture (A1, 273) Zone
-  Block 2 - Lands to be rezoned from the Agriculture (A1) Zone to Conservation / Hazard land - Rural (P7) Zone
-  Block 3 - Other land owned by Applicant



Key Map - Ward 12



Authority: Item ,
Report (PED20130)
CM:
Ward: 12

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**A By-law to amend Zoning By-law No. 05-200 with respecting to lands located at
2004 Glancaster Road, Ancaster**

WHEREAS Council approved Item __ of Report PED20130 of the Planning Committee, at its meeting held on September 22, 2020;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Maps No. 175, 176, 188 and 189 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone to the Conservation / Hazard Land – Rural (P7) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exemptions is amended by deleting and replacing Section 273 of Special Exception No. 273 with the following amended regulation:
 - a) Changing the words from "0 Carluke Road East" to "2004 Glancaster Road" before "part of" so that the wording is as follows:
 273. Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 176 and 189 of Schedule "A" – Zoning Maps and described as part of 2004 Glancaster Road, the following special provisions shall also apply:
3. That Schedule "C" – Special Exemptions is amended by deleting and replacing Subsection b) iv) of Special Exception No. 273 with the following amended regulation:
 - b) Changing the number from "5,500" to "8,900" before "exceed" so that the wording is as follows:
 - iv) Maximum Lot Coverage 13 percent, but shall not exceed 8,900 square metres.

A By-law to amend Zoning By-law No. 05-200 with respect to lands located at 2004 Glancaster Road, Ancaster

4. That Schedule "C" – Special Exemptions is amended by deleting and replacing Subsection b) vi) A of Special Exception No. 273 with the following amended regulation:
 - c) Adding the word "front" before "or" so that the wording is as follows:
 - iv) Outdoor Storage Shall only be permitted in the side, front or rear yards.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

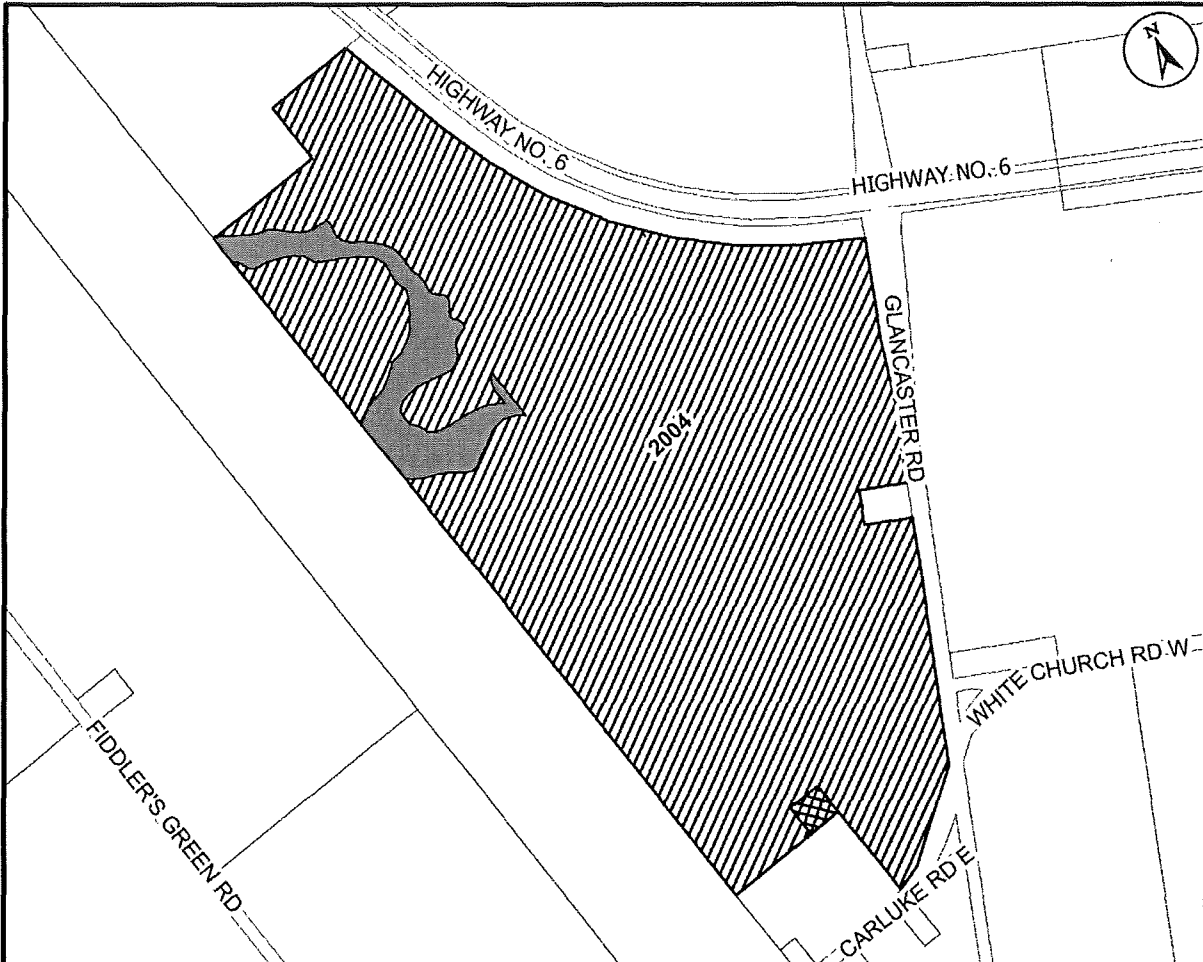
PASSED this _____, 2020

F. Eisenberger
Mayor




A. Holland
City Clerk

ZAR-18-050

A By-law to amend Zoning By-law No. 05-200 with respect to lands located at 2004 Glancaster Road, Ancaster



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 20-_____</p> <p>to Amend By-law No. 05-200</p> <p>Maps 1706, 1707, 1744, 1745, 1781 & 1782</p>	<p>Subject Property</p> <p>2004 Glancaster Road, Ancaster</p> <ul style="list-style-type: none">  Block 1 - Lands to be added to Zoning By-law No. 05-200 as Agriculture (A1, 273) Zone  Block 2 - Lands to be rezoned from the Agriculture (A1) Zone to Conservation / Hazard land – Rural (P7) Zone  Block 3 - Other land owned by Applicant
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KEY MAP
N.T.S.

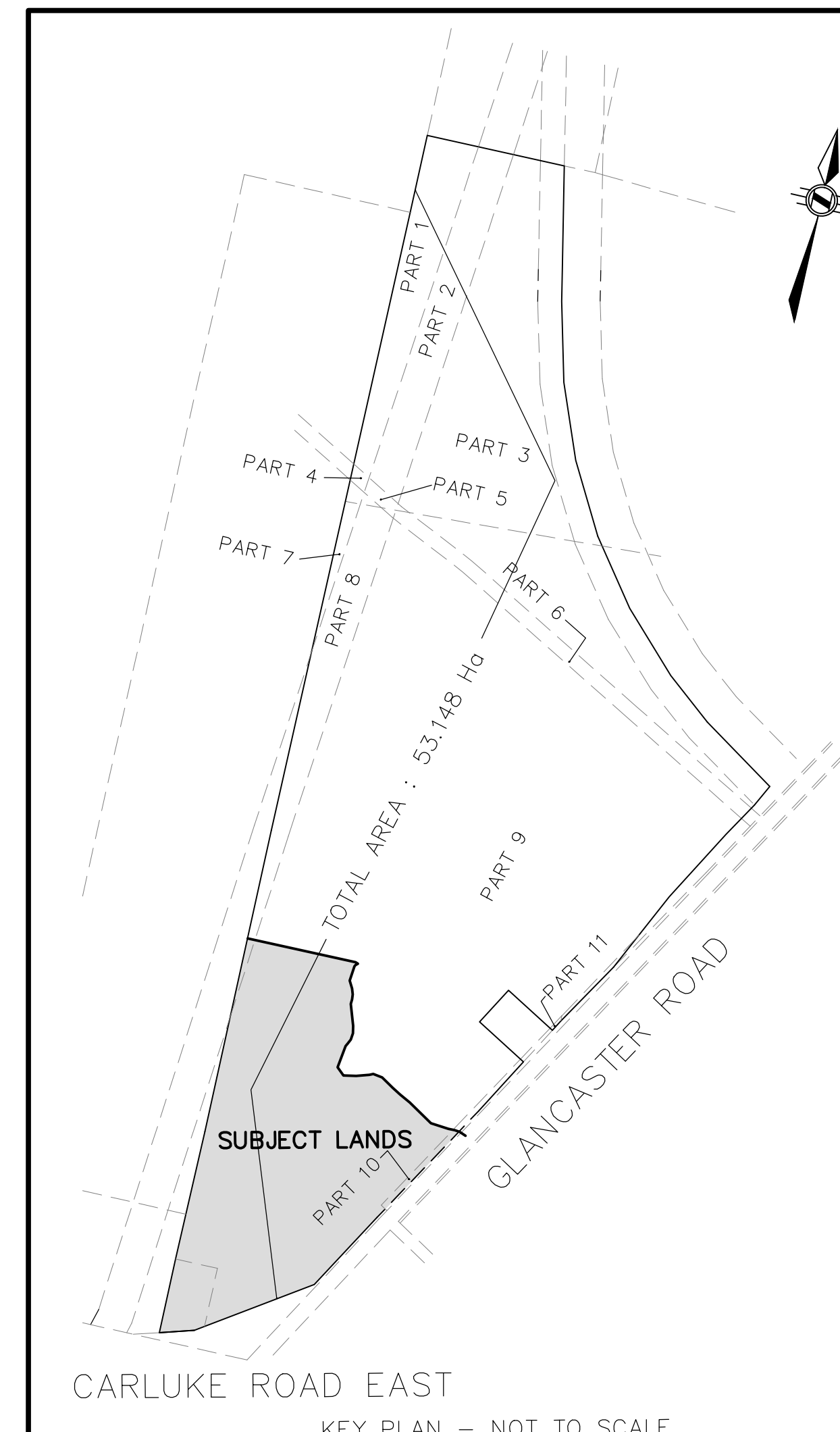
SITE STATISTICS - A1 Zone - Exception 273

	Required	Provided
Lot width (min)	n/a	n/a
Lot Area (min)	40.4ha	53.14 ha
Front Yard (min)	12.0m	27.9m (Glancaster Road)
Front Yard - (min)	12.0m	12.0m (Carluke Road)
Rear Yard (min)	7.5m	38.2m
Side Yard (min)	7.5m	
Building Height (max)	10.5m	10.5m
Front Yard Landscaping	3.0m	3.0m
Parking Required (min)	64	94 stalls
Access Driveway	6.0m	6.0m
Building Coverage	13%max but shall not exceed 5500m ²	1.9% - 9972m ²

Front lot line shall be the lot line abutting the road allowances of Glancaster Road and Caluke Road East

Braun Nurseries Ltd. Building Summary							
	Dimensions (Metres)	Building Area (Square Metres)			Total Area	Required Parking and 1200 m ² Office 1:50 m ²	Total Parking Required
		Agricultural	Industrial	Office			
1 Existing Industrial	81.5 x 32		2579		2579	13	13
2 Existing Industrial	38.1 x 48.77		1548	355	1903	8	20
3 Proposed Industrial Building	70 x 70		4071		4071	21	21
4 Greenhouse Barn	13.9 x 35.4	486			486		
5 Nursery Barn	24.4 x 12.2	300			300		
6 Supply Storage	18.3 x 7.4	137			137		
7 Office Building	10 x 13			300	300	10	10
8 Storage	10 x 19.6	196			196		
Total		1119	8198	655	9972	42	64

DWG No.: 19120C-100
 C-101
 C:\Users\Owner\Documents\Drawings\2020\S. Llewellyn\Braun\Site Plan\Braun Site Plan March 19 2020.dwg



NO.	DATE	BY	REVISIONS		
DESIGN		CHK'D	SL	DATE	Dec. 15 2019
DRAWN	JP	CHK'D	SL		

SCALE 1:1000

APPROVALS

S. LLEWELLYN & ASSOCIATES LIMITED
 CONSULTING ENGINEERS
 Tel. (905) 631-6978
 Fax (905) 631-8927
 email: info@sla.on.ca
 3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8

CLIENT

BRAUN NURSERIES

PROJECT NAME

BRAUN NURSERIES
2004 GLANCASTER ROAD,
HAMILTON, ON

TITLE

SITE PLAN

PROJECT No. 19120 DRAWING No. C-100

CARLUKE ROAD EAST
KEY PLAN - NOT TO SCALE

Site Specific Modifications to the Agriculture (A1, 273) Zone

Regulation	Required	Modification	Analysis
Special Exception Property Number	The Special Exception text cites the subject property address as being "0 Carluke Road East".	The property address referred to within the Special Exception will be changed to "2004 Glanaster Road".	Through review of the application, staff noted that the property address cited in the Special Exception Provision of Schedule C of the City of Hamilton Zoning By-law No. 05-200 was incorrect. Staff will change the text to cite the correct the address.
Maximum Lot Coverage	13%, but shall not exceed 5,500 sq. m.	13%, but shall not exceed 8,900 sq. m.	The property contains an existing 4,503 sq. m. wire baskets and moss products buildings, which supports the existing nursery operation. The wire baskets are required to protect the trees during transport and promotes healthy tree growth. The Applicant is looking to diversify their business by introducing burlap into the wire basket and moss products. In order to achieve this diversification, the company needs to expand their existing building to accommodate the storage of burlap which requires more space. Therefore, staff supports this modification.
Outdoor Storage	Outdoor Storage shall only be permitted in side or rear yards.	Outdoor Storage is permitted in side, rear or front yards.	The existing agricultural facility has been in operation for over 40 years and has utilized the front yard for storage. The property is surrounded by mature deciduous trees on the perimeter of the property that screen the storage area from public view. The proposed new building will have more room for storage, limiting the amount of storage in the front yard. As this is to recognize an existing situation, staff are supportive of this modification.