COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Consent/Land Severance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- · Person likely to be interested in this application

APPLICATION	SC/B-23:27	SUBJECT	220 ARVIN AVENUE, 226/ 208
NO.:		PROPERTY:	ARVIN AVENUE, 218/209-217
			BARTON STREET, STONEY
			CREEK

APPLICANTS: Owner: 1077342 ONTARIO INC. (L.P. CUSTOM MACHINING LTD.) C/O

GURDEV SINGH

Agent: A.J. CLARKE & ASSOCIATES C/O STEPHEN FRASER

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing a manufacturing

plant and accessory storage building (to remain) and to retain a parcel of

land containing an existing 1 storey industrial plaza (to remain).

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	60.05 m [±]	106.68 m [±]	6,329.58 m ^{2 ±}
RETAINED LANDS (Part 1):	94.79/ 94.15 m [±]	183.27 m [±]	17,423.13 m ^{2 ±}

Associated Planning Act File(s): SC/B-22:131

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Thursday, June 15, 2023
TIME:	9:45 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at
	www.hamilton.ca/committeeofadjustment

SC/B-23:27

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, <u>including deadlines</u> for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:27, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

SC/B-23:27



DATED: May 30, 2023

Jamila Sheffield, Secretary-Treasurer Committee of Adjustment Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. Comments must be received by noon two days before the Hearing.

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

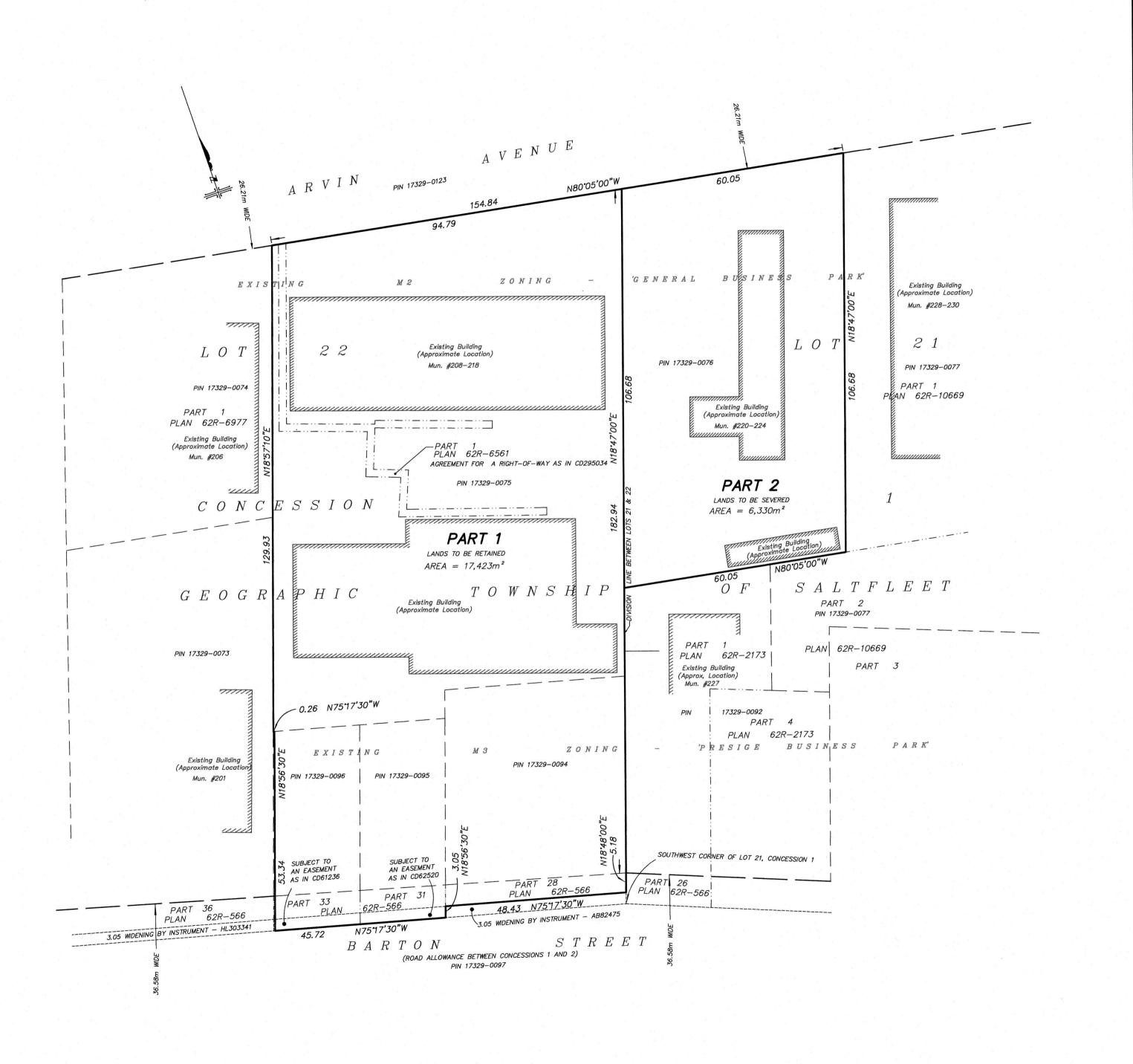
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

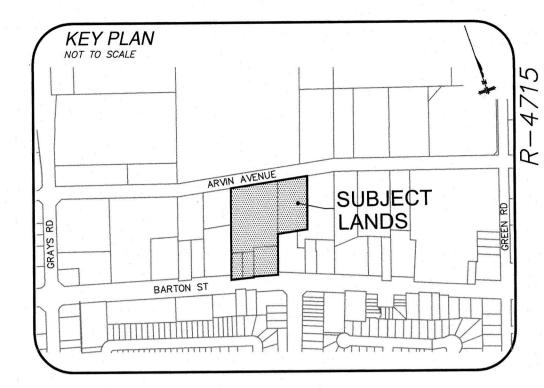
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.





SKETCH FOR CONSENT TO SEVER

208 - 218 ARVIN AVENUE, 220 - 224 ARVIN AVENUE & 209 - 217 BARTON STREET CITY OF HAMILTON

SCALE 1:750



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS: PART OF LOTS 21 AND 22 CONCESSION 1 GEOGRAPHIC TOWNSHIP OF SALTFLEET

METRIC.

DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE

THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE — COMPILED FROM PLANS ON FILE IN OUR OFFICE AND THE LAND REGISTRY OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 (LANDS TO BE RETAINED) PART 2 (LANDS TO BE SEVERED) AREA=17,423m² AREA=6,330m²

CAUTION:

PROJECT No. 228225D

THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE OUSED FOR TRANSACTION OR MORTGAGE PURPOSES.

PURPOSES.

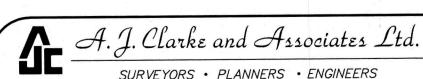
I. P. MUTH

2038

OF ONTARIO

APRIL 24, 2023
DATE

NICHOLAS P. MUTH ONTARIO LAND SURVEYOR



SURVEYORS • PLANNERS • ENGINEERS

25 MAIN STREET WEST, SUITE 300

HAMILTON, ONTARIO, L8P 1H1

TEL. 905-528-8761 FAX 905-528-2289

email: ajc@ajclarke.com

H: \Jobs\N-to-S\Salfflet\CON01\LOT21\226 Arvin Avenue (228225P)\CURRENT\R-4715.dwg

2



City of Hamilton Committee of Adjustment 71 Main Street West, 5th Floor Hamilton, ON L8P 4Y5 May 1, 2023

Attn: Ms. Jamila Sheffield

Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

Re: 208-218, 220-224 Arvin Avenue and 209-217 Barton Street, Hamilton

Severance Application Submission

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by 1077342 Ontario Inc., c/o Gurdev Singh, for the purposes of submitting the enclosed Severance (Consent) Application for the subject lands, municipally known as 208-218 Arvin Avenue and 209-217 Barton Street (proposed Part 1) and 220-224 Arvin Avenue (proposed Part 2), in the City of Hamilton. A previous submission was made to sever the subject lands (City File No: SC/B-22:131). This previous application was conditionally approved, with no appeals, on March 2, 2023. There is no change to the lands proposed to be severed in this resubmission, however during the process of clearing conditions our offices became aware that the owners also owned the lands municipally known as 209, 211, and 217 Barton Street. As these lands are adjacent to 208-218 Arvin Avenue they also have merged on title and a resubmission was required to address the merged lots. The purpose of this resubmission remains a technical matter to reinstate the previous lot fabric of 220-224 Arvin Avenue.

The subject municipal properties abut one another along the south side of Arvin Avenue between Grays Road to the west and Green Road to the east, in the City of Hamilton. The lands are designated 'Employment Area – Business Park' and Zoned 'M2 – General Business Park' and 'M3 – Prestige Business Park.' The subject lands are currently occupied by a one-storey, industrial plaza building and two machining manufacturing buildings, along with associated parking and storage.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	208-218 Arvin Avenue & 209-217 Barton (Retained)	220-224 Arvin Avenue (Severed)
Lot Width	±94.79m	±60.05m
Lot Depth	±183.27m	±106.68m
Lot Area	±17,423.13m²	±6,329.58m²

The surrounding area is provincially significant employment lands. This boundary ends at Barton St, south of the subject lands, where the land use transitions to the 'Neighbourhoods' designation as per Schedule E-1 of the Urban Hamilton Official Plan. An active railway line runs east-west approximately 250 metres north of the subject lands.



The immediate surrounding land uses include:

North Trucking Company

South Commercial Retail Plaza/ Residential/ Place of Worship

West Manufacturing

East Manufacturing/ Industrial Equipment Supplier

A review of the applicable planning policies has been included below.

Planning Policy Overview

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated "Business Park" within the Employment Area Designations, as per Schedule E-1 of the UHOP.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.5 indicates various conditions that must be met by a proposed severance for lands designated as 'Employment Area'. The conditions are as follows;

- a) The lots comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) The lots are fully serviced by municipal water and wastewater systems; and,
- d) The lots have frontage on a public road.

The proposed severance will create lots that are consistent with the relevant policies. The severed lot is proposed to reinstate the previous lot fabric and will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding area. The proposed lot will have access to the existing municipal infrastructure and transportation systems.

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

The majority of the subject lands are zoned "General Business Park (M2) Zone" as per the City of Hamilton Zoning By-law 05-200. The "M2" zone permits a very wide range of uses including alcohol production, artist studio, animal shelter, aquaponics, building, lumber and contracting suppliers, cannabis facilities, commercial motor vehicle sales, rental and service establishments, communications, contractor's establishment, couriers, craftsperson shop, dry cleaning plant, equipment and machinery sales, rental and service establishments, greenhouses, industrial administrative offices, laboratories, labour association halls, landscape contracting, manufacturing, motor vehicle repairs, private power generation, production studio, research and development, trade schools, tradeperson's shop, transport terminal, warehouses, waste processing and transfer facilities.

The southern subject lands municipally known as 209-217 Barton Street are zoned "Prestige Business Park (M3) Zone" as per Zoning By-law 05-200. This zoning is similar in nature to the (M3) Zone described above and permits many of the same uses with several exceptions. Land zoned (M3) do not permit dry cleaning



plants, landscape contracting, or waste processing and transfer facilities. The zone also permits several other more sensitive lands uses including hotels, conference and convention centres, and restaurants.

The lots as proposed in this severance application will comply with Section 9.2.3 of the City of Hamilton Zoning By-law 05-200.

As such, the subject land is appropriate for the proposed severance of the subject lands, has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning, and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Stephen Fraser, MCIP, RPP

Principal, Planner / General Manager

A. J. Clarke and Associates Ltd.

Encl.

Copy via email: 1077342 Ontario Inc., c/o Gurdev Singh (preet.singh@lpcustom.com)



Committee of Adjustment

City Hall, 5th Floor, 71 Main St. W., Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR CONSENT TO SEVER LAND and VALIDATION OF TITLE

UNDER SECTION 53 & 57 OF THE PLANNING ACT

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)			
Applicant(s)**			
Agent or Solicitor			
the purchaser to make	e the application in resp	n of the agreement of purch pect of the land that is the so cant is not the owner or purc	nase and sale that authorizes ubject of the application. chaser.
1.2 All corresponden	ce should be sent to	☐ Purchaser ☐ Applicant	☐ Owner☑ Agent/Solicitor
1.3 Sign should be se	ent to	☐ Purchaser ☐ Applicant	☑ Owner☑ Agent/Solicitor
1.4 Request for digital If YES, provide e	al copy of sign mail address where sig	☐ Yes* ☑ No n is to be sent	
lf Yes, a valid em applicable). Only	one email address sub	ail	☐ No ND the Applicant/Agent (if ing of this service. This

2. LOCATION OF SUBJECT LAND

2.1	Complete the a	applicable secti	ons:				
Municipal Address		s 22	220 Arvin Ave 226/ 208 Arvin Ave 218/209-217 Barton Street				
Assessment Roll Number		Number 00	00314035800/ 00314035600/ 00314040600/ 00314040400/ 00314040				
Former Municipality			Saltfleet				
Lot				Concession	1		
Re	gistered Plan N	Number ab	140279/cd355397	Lot(s)			
Re	ference Plan N	umber (s)		Part(s)	Pt Lt 2	1 & Pt Lt 22	
2.2	☑ Yes □ Note If YES, describ	o be the easeme	restrictive covenant nt or covenant and ement for right-of-	its effect:		ROW)	
3	PURPOSE OF	THE APPLIC	ATION				
3.1	Type and purp	ose of propose	ed transaction: (che	eck appropriate	box)		
32	 ☑ creation of a new lot(s) ☐ addition to a lot ☐ a lease ☐ an easement ☐ validation of title (must also complete section 8) ☐ a charge ☐ cancellation (must also complete section 9 ☐ creation of a new non-farm parcel (must also complete section 10) (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation) 					of title	
3.2	charged:	on(s), ii known,	to whom land or i	nterest in land is	to be transferred	i, leased or	
3.3	If a lot addition, identify the lands to which the parcel will be added:						
3.4	4 Certificate Request for Retained Lands: Yes* * If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)						
4	DESCRIPTION	N OF SUBJEC	T LAND AND SE	RVICING INFOR	RMATION		
4.1	1 Description of subject land:						
<u>All</u> c	dimensions to b	e provided in r	netric (m, m² or ha), attach addition	nal sheets as neo	essary.	
	F	Retained remainder)		Parcel 2	Parcel 3*	Parcel 4*	

Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	±94.79m/ ±94.15	±60.05m			
Depth	±183.27	±106.68m			
Area	±17,423.13m ²	±6,329.58m²			
Existing Use	Industrial	Industrial			
Proposed Use	Industrial	Industrial			
Existing Buildings/ Structures	1-storey industrial plaza; manufacturing plant	Manufacturing plant and acceessors storage building	ry		
Proposed Buildings/ Structures	no change	no change			
Buildings/ Structures to be Removed	none	none			
* Additional fees	apply.				
a) Type of access: (check appropriate box) provincial highway municipal road, seasonally maintained municipal road, maintained all year b) Type of water supply proposed: (check appropriate box) publicly owned and operated piped water system privately owned and operated individual well right of way other public road lake or other water body other means (specify)					
publicly ov	vned and operate wned and operat	ed sanitary sew ed individual se	appropriate box) age system eptic system		
4.3 Other Service	ces: (check if the	service is avail	able)		
☑ electricity ☑ telephone ☐ school bussing ☑ garbage collection					
5 CURRENT	LAND USE				
5.1 What is the existing official plan designation of the subject land?					
Rural Hamilton Official Plan designation (if applicable):					
Rural Settlement Area:					

	Urban Hamilton Official Plan designation (if applicable) Employment Area - Business Park
	Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.
	This application only seeks to re-establish previous lot fabric of 220-224 Arvin Avenue. Lands inadvertently merged on title.
5.2	Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☑ No ☐ Unknown
	If YES, and known, provide the appropriate file number and status of the application.
5.3	What is the existing zoning of the subject land? M2 - General Business Park/ M3 - Prestige Business Park
	If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?
5.4	Is the subject land the subject of any other application for a Minister's zoning order, zoning by-lar amendment, minor variance, consent or approval of a plan of subdivision? Yes No Unknown
	If YES, and known, provide the appropriate file number and status of the application.
	SC/B-22:131. This application to amend file to include 209-217 Barton St in retained lands.
5.5	Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable		
A land fill		
A sewage treatment plant or waste stabilization plant		
A provincially significant wetland		
A provincially significant wetland within 120 metres		
A flood plain		
An industrial or commercial use, and specify the use(s)	V	manufacturing
An active railway line		250m
A municipal or federal airport		

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the Planning Act? ☐ Unknown ✓ Yes ΠNο If YES, and known, provide the appropriate application file number and the decision made on the application. SC/B-22:131. Conditionally approved March 2, 2023. 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application. This application to amend file to include 209-217 Barton St in retained lands. 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ✓ No If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use. 6.4 How long has the applicant owned the subject land? 2000 (208 Arvin Avenue & 211 Barton St), 2011 (220 Arvin Ave), 2007 (209 & 217 Barton St) 6.5 Does the applicant own any other land in the City? ☑ No ☐ Yes If YES, describe the lands below or attach a separate page. **PROVINCIAL POLICY** 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the Planning Act? ПΝο (Provide explanation) Yes Simply re-establishing previous parcel fabric from inadvertent merger. Follows OP and ZBL 7.2 Is this application consistent with the Provincial Policy Statement (PPS)? (Provide explanation) Yes □ No Simply re-establishing previous parcel fabric from inadvertent merger. Follows OP and ZBL 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe? Yes ☐ No (Provide explanation) Simply re-establishing previous parcel fabric from inadvertent merger. Follows OP and ZBL 7.4 Are the subject lands subject to the Niagara Escarpment Plan? (Provide explanation) ☑ No ☐ Yes

HISTORY OF THE SUBJECT LAND

6

7.5 AI	re the subject land ☐Yes	ds subject to t ☑ No	the Parkway Belt West Plan? (Provide explanation)
7.6 Ar	re the subject land ☐Yes	ds subject to t ☑ No	the Greenbelt Plan? (Provide explanation)
7.7 Ar	re the subject land □Yes	ds within an a ☑ No	rea of land designated under any other provincial plan or plans? (Provide explanation)
8 A	DDITIONAL INFO	ORMATION -	VALIDATION
8.1 D	id the previous ov	wner retain ar	ny interest in the subject land?
	Yes	□N→o	(Provide explanation)
8.2 D	oes the current o	wner have an	y interest in any abutting land?
	☐ Yes	□ Ne	(Previde explanation and details on plan)
8.3 W	'hy de you censid	er your title m	nay require validation? (attach additional sheets as necessary)
9 A	DDITIONAL INFO	ORMATION -	CANCELLATION
9.1 D	id the previous o	wne r retain a r	ny interest in the subject land?
	□¥es	□ Ne	(Provide explanation)
9.2 D	oes the current o	wner have an	y interest in any abutting land?
	☐ Yes	□ Ne	(Provide explanation and details on plan)
9.3 W	hy do you require	cancellation	of a previous consent? (attach additional sheets as necessary)

	10	ADDITIONAL INFORMATION - FARM CONSOLIDATION				
	10.1	Purpose of the Application (Farm Consolidation)				
		If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicatiff the consolidation is for:				
		Surplus Farm Dwe	elling Severance	from an Abutting Farm	Consolidation	
		Surplus Farm Dw	elling Severance	from a Non Abutting Fa	erm Consolidation	
	10.2	Location of farm consolid	lation property:			
	Muni	icipal Address				
	Asso	essment Roll Number				
	Form	ner Municipality				
	Lot			Concession		
	Regi	stered Plan Number		Lot(s)		
		rence Plan Number (s)		Part(s)		
10.4		Description of farm cons			farm consolidation property.	
		Existing Land Use(s):		Proposed Land Use(s));	
10.5		Description of abutting c the surplus dwelling)	onsolidated farm	(excluding lands intend	led to be severed for	
		Frontage (m):		Area (m² or ha):		
10.6		Existing Land Use:		Proposed Land Use: _	4	
10.7		Description of surplus de	velling lands pro	posed to be severed:		
		Frontage (m): (from Section 4.1)		Area (m² or ha): (from Section 4.1)		
		Front yard-set back:				
		a) Date of construction: Prior to December	e r 16, 2004	☐ After December	16, 2004	
		b) Condition: Habitable		☐ Non Habitable		

11.1 All Applications Application Fee ✓ Site Sketch Complete Application Form Signatures Sheet 11.2 Validation of Title ☐ All information documents in Section 11.1 ■ Detailed history of why a Validation of Title is required documents and other items deemed necessary. 11.3 Cancellation All information documents in Section 11.1 Detailed history of when the previous consent took place. All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary. 11.4 Other Information Deemed Necessary Cover Letter/Planning Justification Report Hydrogeological Assessment Septic Assessment Archeological Assessment Noise Study Parking Study

11 COMPLETE APPLICATION REQUIREMENTS