

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: October 14, 2005	Prepared by: Greg Macdonald Ext. 4283

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6)

RECOMMENDATION:

- (a) That approval be given to **Subdivision Application 25T-200516, by 1655036 Ontario Inc., c/o Jeffrey Paikin, applicant**, to establish a draft plan of subdivision known as "New Horizon Business Park", 1279 Rymal Road East (Hamilton), as shown on Appendix "B" to Report PED05161, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix "C" to Report PED05161, and acknowledgement that there will be no City share for any municipal works related to this development, in accordance with the Financial Policies for Development, as approved by Council.
- (b) That the proposed draft plan of subdivision is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Hamilton.
- (c) That upon registration of the Subdivision Agreement, the East Mountain Industrial – Business Park Neighbourhood Plan be amended to reflect the addition of the extension of Ditton Drive between Hempstead Drive and Lancing Drive.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) - Page 2 of 8

EXECUTIVE SUMMARY:

The purpose of the application is for approval of a draft plan of subdivision to develop the lands for 21 lots for industrial uses in accordance with the existing "M-14" (Prestige Industrial) District, and to extend Ditton Drive from Hempstead Drive through to Lancing Drive. All 21 of the proposed lots would have frontage on Ditton Drive. Proposed lot sizes would vary from approximately 2,100 square metres up to approximately 4,800 square metres.

The proposal has merit and can be supported since it implements the "Urban Area / Business Park" designation of the Hamilton-Wentworth Official Plan, the "Industrial" designation of the City of Hamilton Official Plan, the "Restricted Industrial" designation in the East Mountain Industrial – Business Park Neighbourhood Plan, and the existing "M-14" (Prestige Industrial) District zoning within Zoning By-law No. 6593. The proposed lots are consistent in size with existing industrial development in the area.

BACKGROUND:

Proposal

The proposed plan of subdivision consists of 21 lots for industrial uses in accordance with the existing "M-14" (Prestige Industrial) District and extends Ditton Drive from Hempstead Drive through to Lancing Drive. All 21 of the proposed lots would have frontage on Ditton Drive.

Location: 1279 Rymal Road East (Hamilton)

Owners/Applicant: 1655036 Ontario Incorporated (c/o Jeffrey Paikin)

Property Description: Width: 233.32m (north end of property) and 92m (south end of property)

Depth: 505m (measured along easterly property line)

Lot Area: 8.424ha

Servicing: Full municipal services.

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) - Page 3 of 8

EXISTING LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant	"M-14" (Prestige Industrial) District
North	Industrial uses	"M-14" and "M-14/S-866" (Prestige Industrial) District
South	Vacant	"M-14" (Prestige Industrial) District
East	Rail Trail and Industrial uses	"M-13" (Prestige Industrial) District
West	Industrial uses	"M-14", "M-14/S-1093", and "M-14/S-1238 (Prestige Industrial) District

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
 - (i) It conforms with and implements the "Urban Area / Business Park" designation of the Hamilton-Wentworth Official Plan.
 - (ii) It conforms with and implements the "Industrial" and "Special Policy Area 11" designation of the City of Hamilton Official Plan.
 - (iii) It conforms with and implements the "Restricted Industrial" designation of the East Mountain Industrial Business Park Neighbourhood Plan.
 - (iv) It conforms with and implements the existing "M-14" (Prestige Industrial) District of Hamilton Zoning By-law No. 6593.
 - (v) It is consistent with existing industrial development in the area.
2. The application is to permit the development of the subject lands for 21 lots for industrial uses in accordance with the existing "M-14" (Prestige Industrial) District. All of the proposed lots conform to the existing zoning with respect to lot area (minimum 1,100 square metres) and frontage requirements (minimum 30 metres). However, on the originally proposed draft plan of subdivision (see Appendix "D"), Lots 20 and 21 contain a steep slope above a drainage course and headwall running north-easterly in direction from Lancing Drive. In addition, the City of Hamilton has an easement over a portion of Lot 21 for drainage and sanitary sewers. As a result of the drainage course, steep slope, and servicing easement, Lot 21 would not have been a viable building lot. To address this, the

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) - Page 4 of 8

applicants have consulted with the Hamilton Conservation Authority to identify the map top-of-bank constraint line.

A setback of 7.62m from this top-of-bank must also be provided, which applies to all buildings, structures, and parking areas. This setback requirement cannot be implemented through the Zoning By-law as the subject lands are already zoned for industrial uses and no zoning application is required to implement the proposed draft plan of subdivision. Enforcement of the top-of-bank setback will be accomplished through Site Plan Control. However, to ensure that any prospective purchaser of Lot 21 is aware of the top-of-bank setback restriction, a warning clause is required to be inserted in any agreement of purchase and sale (Development Planning Condition No. 7).

The applicants have also revised the proposed draft plan of subdivision (see Appendix "B") to enlarge Lot 21 such that it would contain enough of a plateau above the top-of-bank to accommodate an industrial building and associated parking without encroaching into the top-of-bank setback. The applicants have also submitted a preliminary design concept for Lot 21 to show that the lot could be developed, while still maintaining the required top-of-bank setback (see Appendix "E"). It should be noted that the attached plan has not been endorsed by the City of Hamilton; rather it should only be considered one example of how the lot could be developed while maintaining the necessary setbacks from the top-of-bank.

3. The Hamilton Conservation Authority has also advised that, as a condition of draft plan approval, that the top-of-bank and all other lands abutting the existing rail trail be fenced (Hamilton Conservation Authority Condition No. 9), and that the lands below the top-of-bank be dedicated to the City of Hamilton in order to restrict future development and to ensure access for future maintenance of the drainage channel (Hamilton Conservation Authority Condition No. 10). However, it has yet to be determined whether the City of Hamilton would be amenable to acquiring the land, even at no cost. It should also be noted that the lands above the top-of-bank which would form Lot 21 upon any land dedication have an approximate area of 2,744m², which would conform with the Zoning By-law.

The property is not a candidate site for the Red Hill Valley Parkland Replacement Strategy, nor would it be viable as active parkland. Consultation with the Public Works Department as to whether the City of Hamilton would be interested in acquiring the lands has been initiated. It should be noted that the City of Hamilton would not pay to acquire the lands, nor would the applicant be subject to any parkland dedication credits for the dedication. The City's Parkland dedication policy does not require dedication of land or Cash-in-Lieu for industrial development. The applicant has advised that they would dedicate the land, at no cost, to the City of Hamilton. Therefore, the draft plan condition has been worded such that the land dedication is at the discretion of the City of Hamilton (Hamilton Conservation Authority Condition No. 10). In addition, should the City of Hamilton not wish to acquire the land, there would be no implications on

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) - Page 5 of 8

protection of the valley and drainage course. All of the proposed lots are subject to Site Plan Control; the City of Hamilton already has secured access through the existing easement; and Development Engineering Condition No. 4 provides for protection of the open channel. Should the lands be dedicated to the City of Hamilton, they could be merged with additional lands owned by the City immediately to the south at 1277 Rymal Road East.

4. The Development Engineering Guidelines and Sidewalk Policies were approved by Council as Policy on April 23, 2003. In this regard, Sidewalk Policy (i)(4) provides "That there shall be no requirement for sidewalks on internal streets within industrial subdivisions". In addition, there are no existing sidewalks within any of the interior roads of the East Mountain Industrial Park. Therefore, introducing a sidewalk into the development would not serve to provide a pedestrian connection to any major road or transit point.
5. An easement in favour of Bell Canada is currently located on the subject property, shown on the originally submitted proposed draft plan of subdivision between Lots 5 and 6, and Lots 14 and 15 (see Appendix "D"). The applicant has initiated discussions with Bell Canada on the need for this easement and it has been determined that as there are no telecommunication facilities within the easement, it is no longer required. The revised plan of subdivision (see Appendix "B") would have had the Bell Canada easement running directly through Lot 15, impeding development of that lot. The applicant has advised that Bell Canada has agreed to release the easement over Lot 15. However, receipt of proof that this has been accomplished is a condition of draft plan approval (Development Planning Condition No. 6).
6. Lancing Drive has an existing road allowance width of 20.12m. However, the subject property only abuts 17.692m of the Lancing Drive road allowance. Therefore, additional land is required to be assembled from the abutting property to the south located at 1277 Rymal Road East to complete the Lancing Drive extension with a 20.12m road allowance (Development Engineering Condition No. 5). This property is owned by the City of Hamilton and the Manager of Real Estate has advised that immediately following the registration of the subdivision plan, the City of Hamilton will incorporate any required land into the road allowance and open this by By-law. The owner will be responsible for any survey/legal costs associated therewith. The owner will also be responsible for the extension of any required pavement and servicing from Lancing Drive through to the Ditton Drive extension, at their cost (Development Engineering Condition No. 3).

ALTERNATIVES FOR CONSIDERATION:

Should the proposed draft plan of subdivision be denied, the subject lands could be developed as one parcel of land through an application for site plan control in accordance with the existing "M-14" (Prestige Industrial) District as the lands currently

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) - Page 6 of 8

have frontage on Ditton Drive. A minor variance to address reduced lot frontage would also be required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Subdivision.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. Policy 2.6.2 of the Provincial Policy Statement (PPS) outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site will be permitted. Therefore, clearance of an archaeological assessment from the Director of Development and Real Estate and the Ministry of Culture is required (Development Planning Standard Condition No. 10).

Hamilton-Wentworth Official Plan

The subject lands are designated "Urban Area / Business Park" in the Hamilton-Wentworth Official Plan. The proposed industrial subdivision implements the "Urban Area / Business Park" designation and conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated "Industrial" on Schedule "A" – Land Use Concept, and "Special Policy Area 11" on Schedule "B-3" – Other Special Policy Areas (East Mountain Industrial-Business Park). The proposed industrial subdivision implements the "Industrial" and "Special Policy Area 11" designation; in that the permitted uses within the existing "M-14" (Prestige Industrial) District are consistent with the light industrial uses contemplated within the "Special Policy Area 11" designation.

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) - Page 7 of 8

Neighbourhood Plan

The subject lands are designated "Restricted Industrial" in the approved East Mountain Industrial – Business Park. The proposal implements the "Restricted Industrial" designation; however, an amendment is required to reflect the introduction of the proposed Ditton Drive extension.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Forestry and Horticulture Section), and
- Corporate Services Department (Budgets Section).

Hamilton Street Railway has advised that public transit is currently provided by the #22 Upper Ottawa bus along Hempstead Drive and that street orientation and pedestrian entrances, and short walking distances between buildings and transit service are preferable, and sidewalks should be placed on at least one side of Ditton Drive.

Hamilton Conservation Authority has recommended approval of the application subject to completion of a Stormwater Management Report, and preparation and implementation of an Erosion and Sediment Control Plan (Hamilton Conservation Authority Standard Conditions No.'s 1 and 2). The applicants must also prepare and implement a Lot Grading Plan (Hamilton Conservation Authority Condition No. 8), install a chain link fence at the rear of the lots abutting Hamilton Conservation Authority Lands (Hamilton Conservation Authority Condition No. 9), and that the lands located below the surveyed top-of-bank be dedicated to the City in order to restrict future development and ensure future maintenance of the channel (Hamilton Conservation Authority Condition No. 10).

Public Works Department (Traffic Engineering and Operations Section) has advised that it appears that a section of Ditton Drive road allowance may be required from the adjacent property to the south of Lancing Drive at 1277 Rymal Road East (Development Engineering Condition No. 5).

Public Works Department (Environmental Planning Section) has advised that a Municipal Class Environmental Assessment would apply only if construction or reconstruction of non-local roads, road closures, or infrastructure upgrades outside of the draft plan of subdivision are required.

Planning and Economic Development Department (Economic Development Division) has advised that the proposed business park is greatly needed to contribute to the City's supply of industrial lands and is fully supported.

SUBJECT: Application for Approval of a Draft Plan of Subdivision, "New Horizon Business Park", for the Property Located at 1279 Rymal Road East (Hamilton) (PED05161) (Ward 6) - Page 8 of 8

Bell Canada has advised that adequate telecommunication facilities exist within the area, and does not require any easement or lease, but that a paragraph is to be included as a condition of draft plan approval ensuring that sufficient conduits are provided as part of the development (Bell Canada Condition No. 11).

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to 31 property owners within 120 metres of the subject property. No comments were received as a result of the preliminary circulation or as a result of the Public Notice sign erected on the property on August 26, 2005.

CITY STRATEGIC COMMITMENT:

By evaluating the "Triple Bottom Line", (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. Yes No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

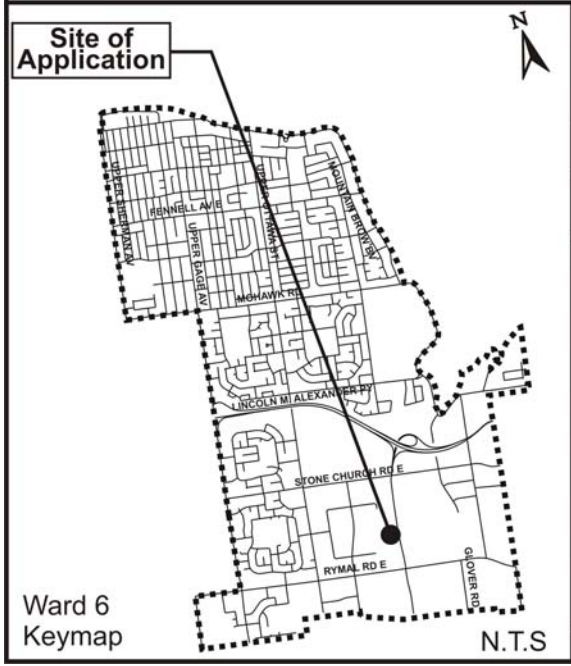
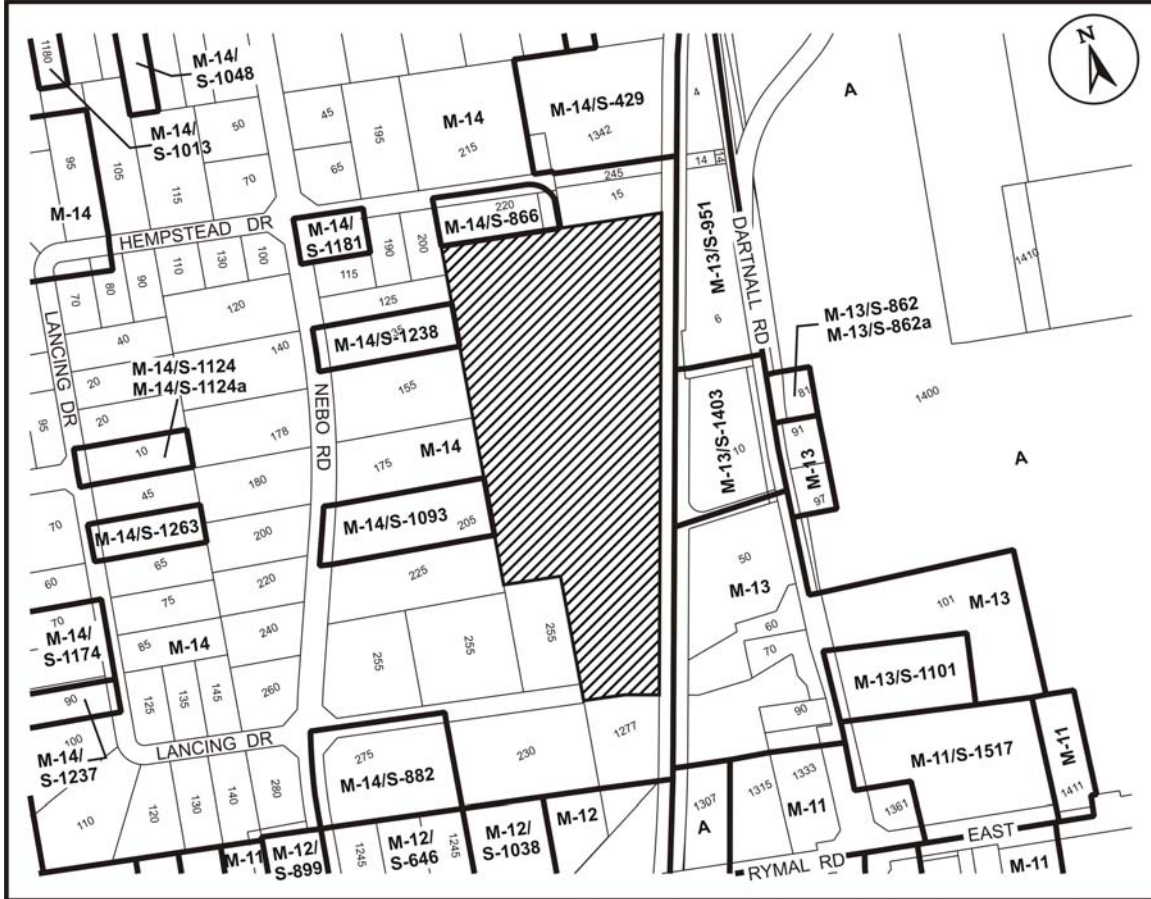
Environmental Well-Being is enhanced. Yes No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. Yes No
A skilled, innovative and diverse workforce is attracted and retained.

Does the option you are recommending create value across all three bottom lines?
 Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
 Yes No

:GM
Attachs. (5)




 Planning and Economic Development Department
Location Map

File Name/Number: 25T-200516	Date: July 25, 2005
---------------------------------	------------------------

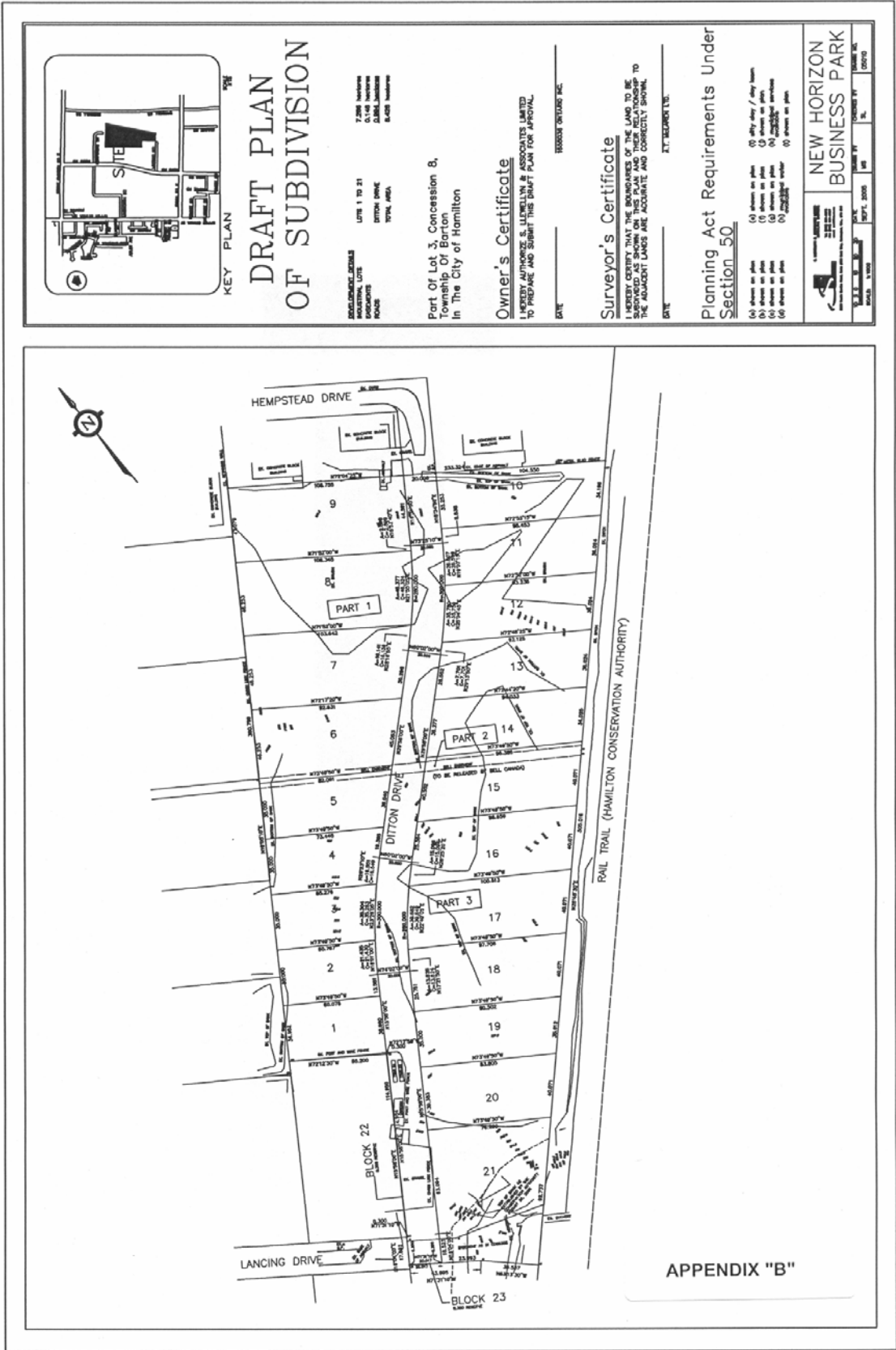
Appendix "A"	Scale: N.T.S	Planner/Technician: GM/MZ
--------------	-----------------	------------------------------


Subject Property
 1279 Rymal Road East

Ward 6
Keymap

N.T.S

T&C File Name: N:\1T&c\Location_Maps\2005\July\Core\25T_200516.cdr



APPENDIX "B"

"New Horizon Business Park" – Conditions of Draft Approval

1. That this approval apply to "New Horizon Business Park", dated September 14, 2005, prepared by S. Llewellyn and Associates Ltd., as shown in Appendix "B" to Report PED05161, showing a maximum of 21 lots (Lots 1 to 21) for industrial uses, and 2 blocks for a 0.3 metre reserve (Blocks 22 and 23). Ditton Drive will be dedicated to the City as a public highway.
2. That the following standard conditions of draft plan approval from Appendix "A" of Report PD01184 (Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Processes) shall apply;
 - (1) Development Engineering Condition No.'s 1, 2, 4, 7, 8, 10, 11, 12, 15, 16, 17, 21, 22, 23, 24, 26, 27, and 29;
 - (2) Development Planning Condition No.'s 3, 4, 5, 10, 17, 20, and 21;
 - (3) Hamilton Conservation Authority Condition No's 1 and 2;

Development Engineering

3. That the owner agree in writing to construct the proposed extension of Ditton Drive with no sidewalks and to construct Lancing Drive with no sidewalks eastwardly from its current existing limit to the limit of the proposed draft plan of subdivision, to match the current existing road cross-section, to the satisfaction of the Manager of Development Engineering. The owner shall include a notice in all Purchase and Sale Agreements advising future property owners of no sidewalk installation. All costs associated with the construction of Lancing Drive and Ditton Drive will be the owner's responsibility.
4. The grading and development of Lot 21 must be such that the design incorporates the existing open channel and does not negatively affect either the drainage or the existing sewers located within the City of Hamilton easement along the south side of the lot, to the satisfaction of the Manager of Development Engineering.
5. That immediately following the registration of the subdivision plan, sufficient lands, owned by the City of Hamilton, located at the intersection of Lancing Drive and the future extension of Ditton Drive, be incorporated into the road allowance, by By-law, in order to establish the respective roads at the standard 20.12 metre width, to the satisfaction of the Manager of Development Engineering. Any costs for preparation of the survey/reference plan shall be paid for by the Owner, prior to final approval.

Development Planning

6. That the owner provides proof that the Bell Canada easement over Lot 15 has been released by Bell Canada, to the satisfaction of the Manager of Development Planning.
7. That the owner agrees to include the following warning clause in all offers of sale and purchase or lease for Lot 21.

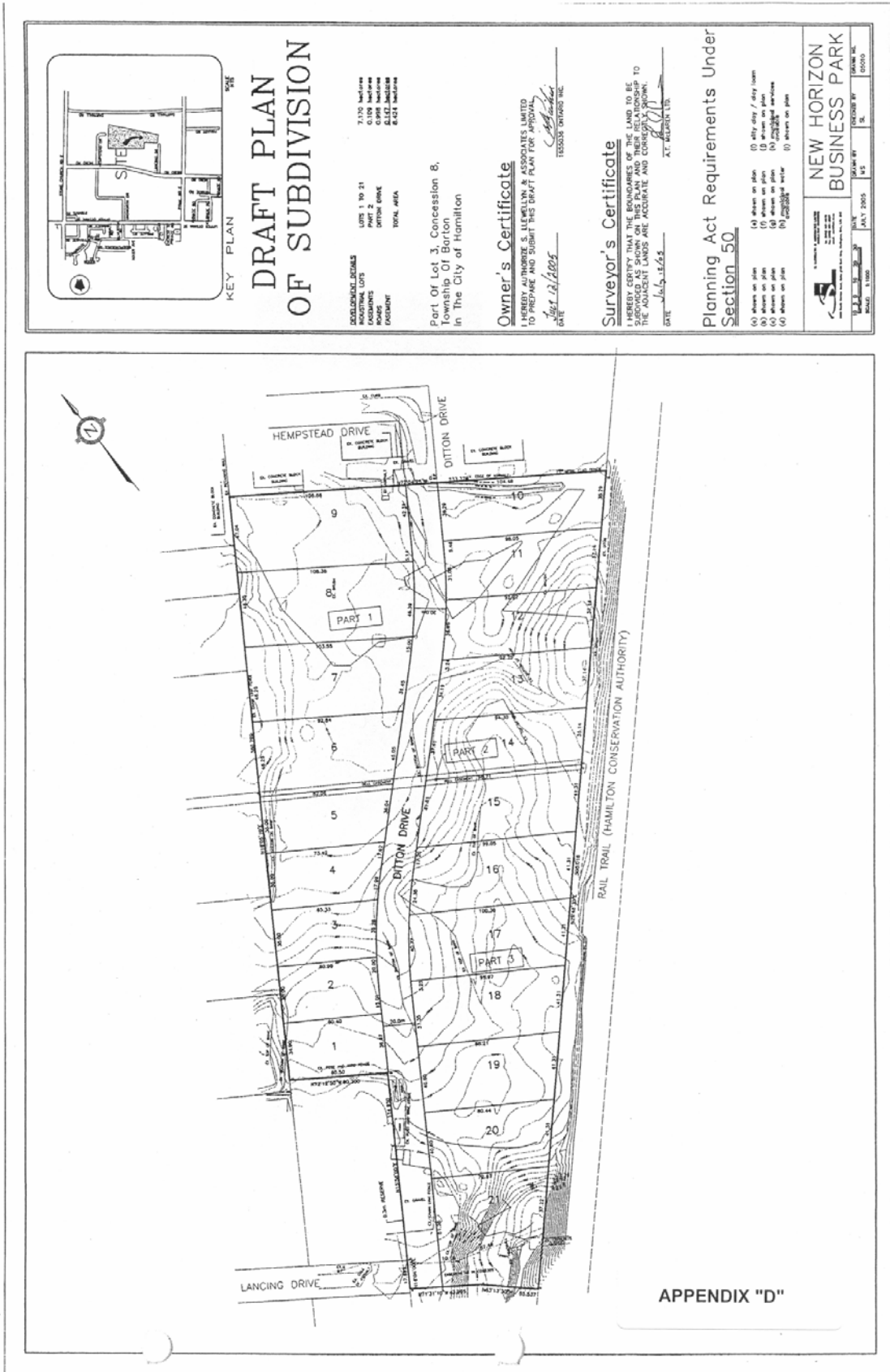
"Future owners are advised that the Hamilton Conservation Authority requires a minimum setback of 7.62 metres from the surveyed top-of-bank as shown on the approved draft plan of subdivision. No buildings, structures, parking, or outdoor storage can be located within this 7.62 metre setback".

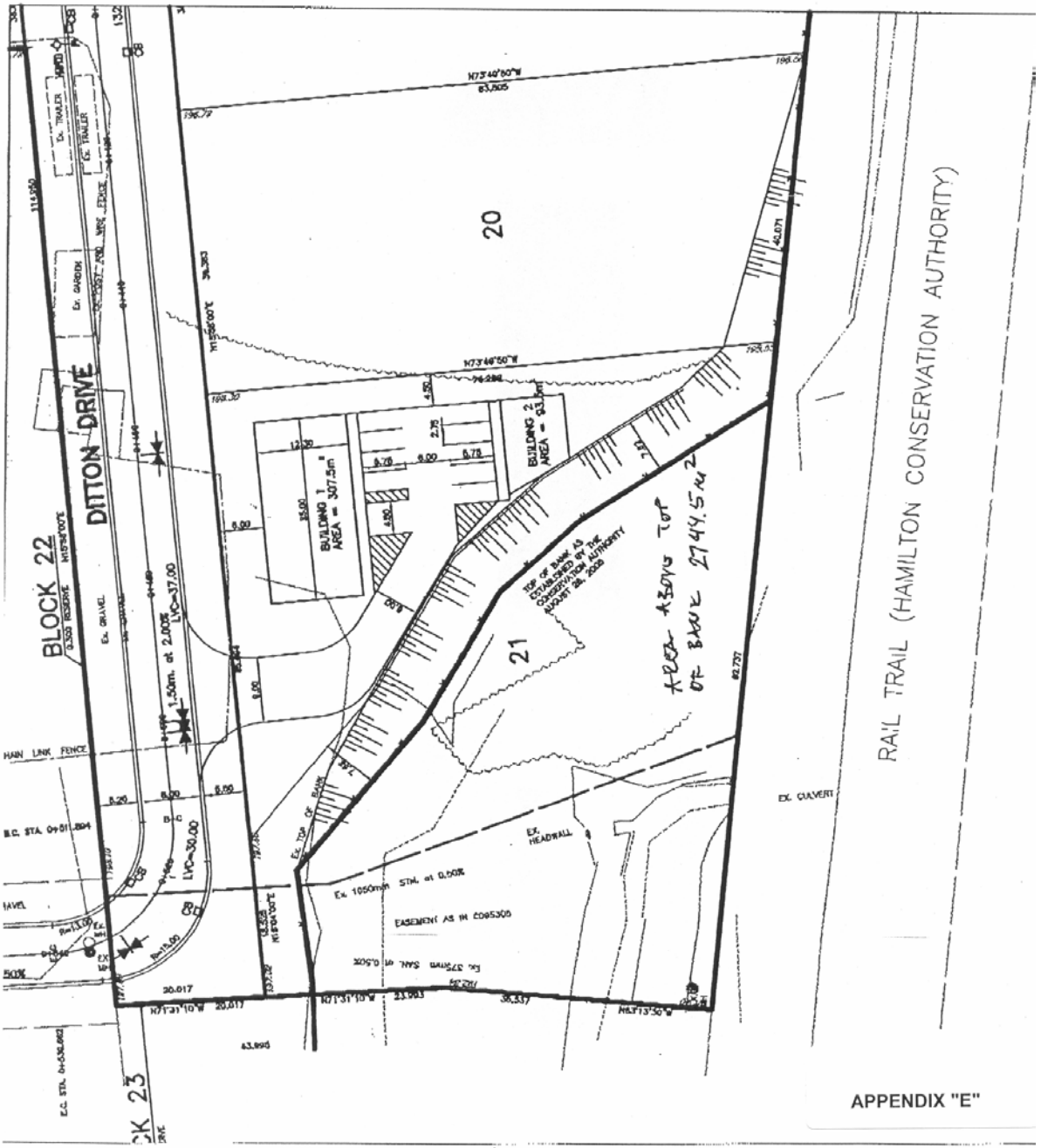
Hamilton Conservation Authority

8. That the owner prepares and implements a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
9. That the applicant installs a continuous 1.8m high chain link fence at the rear property line of Lot 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, abutting Hamilton Conservation Authority lands, as well as along the surveyed top-of-bank of the valley slope on Lot 21, to the satisfaction of the Hamilton Conservation Authority.
10. That, if agreed to by the City of Hamilton, the lands located below the surveyed top-of-bank be dedicated to the municipality at no cost or encumbrance, in order to restrict future development and to ensure access for future maintenance of the channel.

Bell Canada

11. That the owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line to the satisfaction of Bell Canada.





APPENDIX "E"