RE: Application for Approval of a Draft Plan of Subdivision, “Orlick Aeropark”, and a Change in Zoning for 2460-2470 Upper James Street (Glanbrook) (PED06361) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200525, by Orlick Industries c/o David Braley, owner, to establish a draft plan of subdivision known as “Orlick Aeropark” comprising seven Blocks for industrial uses, one Block for a creek channel, one Block for stormwater management, and the extension of Aeropark Boulevard, on lands located at 2460-2470 Upper James Street (Glanbrook), as shown on Appendix “B” to Report PED06361, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06361 and the following:

i) Acknowledgment that there will be a City share for the stormwater management facility;

in accordance with the Financial Policies for Development and the City’s Development Charge By-law, as approved by Council.

(b) That approval be given to Zoning Application ZAC-05-124, by Orlick Industries c/o David Braley, owner, for a change in zoning from the Airport-Related General Industrial “M4-096” Zone to the Airport-Related General Industrial “M4” Zone (Block “1”); the Airport-Related Prestige Industrial “M3-095” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “2”); the Airport-Related Prestige Industrial “M3-095” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “3”); the Airport-Related Commercial “C5” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “4”); the Airport-Related General Industrial Holding “H-M4-102” Zone to the Airport-Related General Industrial Holding “H-M4-102” Zone to the Airport-Related General Industrial Holding “H-M4-102” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “6”);
the Airport-Related Commercial Holding “H-C5-103” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “7”); the Airport-Related General Industrial Holding “H-M4-102” Zone to the Open Space - Conservation “OS3” Zone (Block “8”); the Airport-Related Commercial Holding “H-C5-103” Zone to the Open Space - Conservation “OS3” Zone (Block “9”); the Airport-Related Commercial Holding “H-C5-103” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “10”); the Airport-Related General Industrial Holding “H-M4-102” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “11”); the Airport-Related Prestige Industrial Holding “H-M3-101” Zone to the Airport-Related Prestige Industrial “M3” Zone (Block “12”); and the Airport “AT” Zone to the Airport-Related General Industrial “M4” Zone (Block “13”), for the lands located at 2460 to 2470 Upper James Street (Glanbrook), as shown on Schedule “A” to Appendix “E” to Report PED06361, on the following basis:

(i) That the draft By-law, attached as Appendix “E” to Report PED06361, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “A”, of Zoning By-law No. 464; and, 

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the applications is for a change in zoning to allow the development of the lands for seven blocks for industrial and employment uses in accordance with the proposed plan of subdivision known as “Orlick Aeropark”, (see Appendix “B”). Three blocks will be dedicated for stormwater management and road widening purposes. The proposed development is consistent with the City’s policies and direction for future development of employment lands surrounding the Hamilton International Airport.

The proposal has merit and can be supported since it implements the “Business Parks” designation in the Hamilton-Wentworth Official Plan and the “Airport Industrial - Business Park” designation of the Township of Glanbrook Official Plan. Furthermore, the proposal conforms to the Airport Industrial-Business Park Secondary Plan.
BACKGROUND:

Proposal

The applicant has recently acquired additional lands to the north (the Smith Farm) which are approximately 35.2 acres in area. The previous planning approvals included a draft approved subdivision and rezoning for 56.5 acres (see Appendix “D”). The current proposal includes the original draft approved lands and the Smith Farm. The subject lands are primarily vacant and consist of approximately 87.52 acres. A portion of the lands contain some previously constructed infrastructure (i.e. Glanair Drive and Aeropark Boulevard). The applicant is proposing an industrial business park, on full municipal services with an internal road network with access to both Upper James Street and Dickenson Road. All future development will be subject to site plan control. The effect of the proposal is to create seven blocks for future industrial development, two blocks for a storm water management pond and a creek, and one block for future road widening, as well as the extension of Aeropark Boulevard northerly to connect to Dickenson Road West.


This initial subdivision was draft approved in June 1991 for 56.5 acres of the subject lands. The previous draft approval proposed 44 lots, two of which were for commercial uses and the remaining for industrial-related uses, including right-of-ways for an internal road network. This subdivision approval was also related to a rezoning application that was for a change in zoning from the Private Open Space “O1” Zone (Mount Hope Golf Course) and the Agricultural “A” Zone to various commercial and industrial zones. It will be a condition of the current draft approval (25T-200525) that this former draft approval be withdrawn in its entirety (Development Planning Condition No. 17 - Appendix “C”).

Site Plan File No. DA-04-128 (Orlick Industries Limited)

In July 2004, the applicant applied for site plan approval to construct a 13,000m² warehouse for light industrial uses. The proposed development was approved on September 13, 2004. The applicant has abandoned the site plan control application at this time in order to proceed with the proposed draft plan of subdivision and rezoning.

Location: 2460 - 2470 Upper James Street (Glanbrook)

Owner: Orlick Industries Limited (c/o David Braley)

Property Description: Frontage: 429.19 metres
Depth: Up to 310.08 metres (flankage)
Lot Area: 35.42 hectares (87.53 acres)
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Subject Lands</td>
<td>Vacant</td>
<td>Airport-Related Prestige Industrial “M3” Zone, Airport-Related General Industrial “M4” Zone, Airport-Related Commercial “C5” Zone, Airport-Related General Industrial “M4-096” Zone, Airport-Related Prestige Industrial “M3-095” Zone, Airport-Related General Industrial Holding “H-M4-102” Zone, Airport-Related Commercial Holding “H-C5-103” Zone, Airport-Related Prestige Industrial Holding “H-M3-101” Zone, and the Airport “AT” Zone</td>
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<tr>
<td>North</td>
<td>Single Detached Dwellings/Cemetery /Agricultural</td>
<td>Deferred Development “DD” Zone, Institutional “I” Zone,</td>
</tr>
<tr>
<td>South</td>
<td>John C. Munro International Airport</td>
<td>Airport “AT” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings/Industrial-Commercial Plaza/Vacant</td>
<td>Airport-Related Business “M5-189” Zone</td>
</tr>
<tr>
<td>West</td>
<td>John C. Munro International Airport</td>
<td>Airport “AT” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) The proposal is consistent with the Provincial Policy Statement.


   (iii) It conforms with and implements the “Airport-Industrial Business Park” designation of the Township of Glanbrook Official Plan.
2. The proposal is consistent with the Employment Area policies identified under Section 1.3 of the Provincial Policy Statement. This proposal also corresponds with the new initiatives and policies relating to Employment Lands under Section 2.2.6 of the Provincial Growth Plan for the Greater Golden Horseshoe (2006).

The subject lands have been identified and designated for employment and industrial development for many years. The proposed applications also conform to the policies outlined in the Hamilton-Wentworth Official Plan, the Township of Glanbrook Official Plan, and the Council approved Airport Industrial-Business Park Secondary Plan. There is existing infrastructure along Upper James Street; however, sanitary capacity is presently unavailable until updated works are completed to the pumping station located on Twenty Road, expected to be completed in early 2007. From a planning perspective, this proposal is an inherent economic catalyst to attracting industrial and commercial development to the John C. Munro Hamilton International Airport and the surrounding area. This proposal coincides with City Initiative 05-F to recognize and expand the existing Airport Influence Area and further create a new Special Policy Area to provide for the long term protection of land for employment purposes. This proposal is also consistent with the City’s Preferred Growth Option identified in the 2006 Growth Related Integrated Development Strategy (GRIDS) Final Report. This Option designates Special Policy Areas for an expansion to the Airport and a new Business Park just west of the subject lands.

The Special Policy Areas identified in the GRIDS Report are intended to provide greater certainty with respect to future employment land uses. Based on statistics and forecasts within the Provincial Growth Plan for the Greater Golden Horseshoe (2006), total employment on employment lands in the City of Hamilton is expected to increase by 50,000 jobs within the next 30 years which, in turn, will require approximately 1,000 gross acres of employment land to accommodate the anticipated growth. The “Orlick Aeropark” proposal has a direct relationship to this initiative and is an important catalyst to the future continued development of employment lands surrounding the John C. Munro Hamilton International Airport. The proposal is in very close proximity to the Hamilton Street Railway Mountain Transit Station, Highway No. 6, Highway 403 and also abuts the airport, which makes it a prime employment land use location.

3. In early 2006, the Public Works Department advised that the sanitary sewage pumping station at Twenty Road is operating at near capacity levels and that no further development should proceed in the catchment area until such time as the necessary upgrades to the pumping station have been completed and fully operational. (Public Works Condition No. 19 - Appendix “C”). Therefore, prior to final approval of the subdivision, this condition must be fulfilled to the satisfaction of the General Manager, Public Works. As a result of this constraint in servicing, an extension to the construction deadline covenant between the City and the applicant was given on the basis that construction commence no later than six months after the upgrades are completed to the Twenty Road Pumping Station.
4. The stormwater management facility is a City cost sharing initiative as the proposed pond is a required centralized facility identified in the Development Charges Background Study dated May 2004.

5. As per the City’s Parkland Dedication By-law No. 03-199, the proposal is not subject to parkland dedication or Cash-in-Lieu requirements as industrial development is exempted from the provisions of the By-law.

6. The change in zoning deletes various site-specific zones and reverts back to the parent Airport-Related Prestige Industrial “M3” Zone and the Airport-Related General Industrial “M4” Zone, as outlined in the Township of Glanbrook Zoning By-law No. 464. The site-specific “M3-095” and “M4-096” Zones prohibited Chemical manufacturing and Chemical Research. The parent “M3” and “M4” Zones do not permit those uses as-of-right, and the General Provisions Section of the By-law also prohibits these uses in all Zones.

With respect to the Holding Zones, the Holding provision, in all cases, were placed on the lands until such time as a draft plan of subdivision had been approved. Since the owner is moving towards draft plan approval, the Holding provision on the lands is no longer required. The Open Space - Conservation “OS3” Zone is required for the creek channel and stormwater management facility. This is a typical Zone for uses of this nature in the former Township of Glanbrook.

7. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “C”, including the applicable City’s standard conditions of approval. Several special conditions will also apply, many of which have been identified in this report.

**ALTERNATIVES FOR CONSIDERATION:**

Should the applications for amendment to the Zoning By-law and Draft Plan not be approved, development of the subject lands could take place under the current planning regime which permits industrial and commercial development.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: City Cost Sharing for the stormwater management facility.

Staffing: N/A.

Legal: As required by *The Planning Act*, Council shall hold at least one (1) Public Meeting to consider an application for an amendment to the Zoning By-law, and approval of a Draft Plan of Subdivision.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas 1.1.3.1. However, Policy 2.6.2 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 which maintain the heritage integrity of the site may be permitted. (Included as Development Planning Standard Condition No. 10 - Appendix “C”, Condition 2(b)).

Hamilton-Wentworth Official Plan

The subject property is designated “Business Park” in the Hamilton-Wentworth Official Plan. Policy 3.1.3 outlines the role for “Business Parks” within the municipality and that their roles and functions are shifting. They are to accommodate a full range of manufacturing, construction, research and development uses, and service type uses. This proposal conforms to the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan

The subject property is designated as “Airport Industrial – Business Park” on Schedule ‘A’ – General Land Use Plan, in the Official Plan for Glanbrook, and as “Airport-Related Prestige Industrial” on Schedule ‘A’ - Land Use Plan, in the Council adopted Airport Industrial-Business Park Secondary Plan.

The following policies, among others, are applicable to the proposed development:

“B.2.6 Airport Industrial-Business Park

B.2.6.1 The permitted uses on the lands designated Airport Industrial-Business Park on Schedule "A" - Land Use Plan shall be limited to the following:

(a) Airport-related industrial uses, including, but not limited to, airport transportation and cargo services, light manufacturing or assembly, wholesale and distribution warehouses, storage of non-hazardous materials in enclosed buildings, and communication and utility activities benefiting from proximity to airport services;

B.2.6.3 Development of the Airport Industrial-Business Park will proceed in phases. Phase 1, which is the area north of and including the Mountain Transit Centre, may develop immediately subject to Section B.2.6.5 of this Plan. Phase 2, which is the area immediately south of the Mountain
B.2.6.5 Development in the Airport Industrial-Business Park shall proceed in an orderly manner and shall conform to the comprehensive policies of a Secondary Plan(s) to be prepared and approved for the Airport Industrial-Business Park pursuant to Section G.4 of this Plan. The Secondary Plan(s) for the Airport Industrial-Business Park shall:

(a) Delineate an internal road system for the Park including limited access to Highway No. 6 in accordance with the requirements of the Ministry of Transportation and Communications;

(b) Establish detailed land use patterns within the Park;

(c) Include provisions prohibiting noxious, polluting, noisy or hazardous uses;

(d) Provide measures to protect existing residential and institutional uses in or abutting the Park, whether or not these uses are expected to be redeveloped;

(e) Specify landscaping and other amenities to ensure that the Park will be of a high quality;

(f) Include provisions for dealing with increased storm water runoff; and,

(g) Recognize Transport Canada's airport zoning.

B.2.6.6 The Airport Industrial-Business Park shall be developed in a coordinated and comprehensive manner. Wherever possible, regard shall be given to reducing the number of access points to the major boundary and major internal roadways, and to providing efficient internal traffic circulation, adequate off-street parking and loading facilities, adequate restrictions and screening of outside storage, and adequate landscaping, and buffering requirements.

B.2.6.13 All development in the Airport Industrial-Business Park shall be adequately regulated by suitable provisions in the implementing Zoning By-law, which may establish various industrial and commercial zones with appropriate regulations regarding lot size and dimensions, setbacks, building size and character, off-street parking and loading facilities, landscaping and buffering, and signage.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Orlick Aeropark”, and a Change in Zoning for 2460-2470 Upper James Street (Glanbrook) (PED06361) (Ward 11) - Page 9 of 11

B.2.6.14 All new development and redevelopment in the Airport Industrial-Business Park shall be subject to site plan control pursuant to Section 40 of the Planning Act, 1983, and Section G.8 of this Plan."

This proposal conforms to the Township of Glanbrook Official Plan.

Airport Industrial-Business Park Secondary Plan

The subject lands are identified as “Airport-Related Prestige Industrial”, “Airport-Related General Industrial” and “Airport-Related Commercial” in the Council approved Airport Industrial-Business Park Secondary Plan. The proposal conforms to the policies of the approved Secondary Plan.

RELEVANT CONSULTATION:

Ministry of Transportation (MTO) “has completed their review of the proposed Draft Plan of Subdivision and Rezoning applications for the “Orlick Aeropark” located at 2460 - 2470 Upper James Street (Formerly King’s Highway No. 6 South), and offer the following comments:

The owner must be advised that all proposed permanent buildings and structures both above and below ground, utilities, frontage roads/fire routes, essential parking spaces, storm water management ponds and associated berms, and noise walls must be set back 14.0 metres (45 feet) from the Upper James Street Right-of-way limit.

All proposed post-development site generated runoff directed towards the Upper James Street right-of-way must be maintained to pre-development levels. Earth berms and grading of any kind will not be permitted on Upper James Street property. The developer is solely responsible for all noise mitigation measures and all external illumination must be directed away from the Upper James Street right-of-way."

They have requested that certain conditions be imposed as part of the draft approval for the Plan of Subdivision (Included as Ministry of Transportation Condition No.’s 29 to 31 - Appendix “C”).

They have also advised that Ministry building/land-use permits for all buildings within 46 metres (150 feet) of the Upper James Street property line and within 396 metres of the intersection of Upper James Street and Dickenson Road will be required prior to any grading and construction on this site. Separate building/land-use permits will be required for each storm water management pond serving this subdivision. Sign permits will be required as well.

Public Works Department (Traffic Engineering and Operations Section) has advised that Upper James Street (formerly Highway No. 6) is under the jurisdiction of the Province (MTO). They further advise that Dickenson Road is not a designated truck route road. Heavy vehicles will be required to access the industrial park via Glanair Drive.
Public Works Department (Strategic and Environmental Planning Section) has advised that the stormwater facility will be subject to a Schedule “A” undertaking pursuant to the Municipal Engineer’s Association Class Environmental Assessment Document. This will be addressed through the draft plan of subdivision. (Public Works Condition No. 20 - Appendix “C”)

Niagara Peninsula Conservation Authority (NPCA) has advised that the property is located within the Twenty Mile Creek watershed and is crossed by a tributary of Twenty Mile Creek. Authority staff has attended past pre-consultation meetings with the developer and City staff. In addition, the NPCA had also provided comment on the aforementioned site plan control application. Authority staff has reviewed a revised Stormwater Management Report (dated April 2006) prepared by Lamarre Consulting Group. The NPCA has no objection to the proposed applications subject to eight conditions being placed on the draft plan approval (Niagara Peninsula Conservation Authority Condition No.’s 21 to 28).

Hamilton Street Railway (HSR) has indicated that public transit is presently provided by the Glanbrook Trans-Cab shared-ride taxi service, Monday thru Saturday until 7:00 PM. HSR does not have plans to extend conventional fixed route bus service. They have also indicated that sidewalks should be constructed on at least one side of Aeropark Boulevard & Glanair Drive. The site is situated 650 metres south of the end-of-line for the Upper James Street bus route, for those workers unable to use Trans-Cab, the walk from the bus stop could be made more attractive through the installation of a footpath along the west side of Upper James Street from the Transit Centre entrance to Dickenson Road, and on the south side of Dickenson Road from Upper James Street to Aeropark Boulevard.

Social and Public Health Services Department (Public Health Services - Health Protection Branch) has indicated that they have no objections to the approval of this Draft Plan of Subdivision, but has advised that all septic tanks on the subject property are emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil. They have further advised that all wells on the subject property must be abandoned according to Regulation 903 under the Ontario Water Resources Act (Social and Public Health Services Department Condition No. 18).

The following Departments and Agencies had no comments or objections:

- Hamilton Emergency Services
- Hamilton Hydro
- Canada Post
- Union Gas

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application was pre-circulated to 67 property owners within 120 metres of the subject lands, and a Public Notice sign has been posted on the property. To date,
no comments have been received from the public. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

**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
Investment in Hamilton is enhanced and supported.

**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

:JM
Attachs. (5)
“Orlick Aeropark 2460 - 2470 Upper James Street” – Conditions of Draft Approval

1) That this approval apply to the Draft Plan of Subdivision “Orlick Aeropark”, dated July 11, 2006, prepared by A.J. Clarke and Associates Ltd., for the lands described on Part of Lot 5 - Concession 3, as shown in Appendix “B” to Report PED06361, showing a maximum of, seven blocks for industrial uses (Blocks 1 to 7), 1 block for a future stormwater management pond (Block 9), 1 creek block (Block 8) and a road widening (Block 10).

2) That the following standard conditions from Appendix “A” to Report PD01184 – Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process, shall apply:

(a) Development Engineering Condition No.’s 1, 2, 6, 10 to 12, 15, 17, 21 to 26, 29 and 33;

(b) Development Planning Condition No.’s 3 to 5, 10, 12, 17 to 21; and,

(c) Social and Public Health Services Department Condition No. 2.

Development Engineering

3) That the Owner agree in writing to submit a Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be handled in accordance with the MOE Stormwater Management Planning & Design Manual – 2003, the local Master Drainage Plans, and the City of Hamilton Stormwater Management Policies.

4) That the Owner agrees in writing to operate and maintain, in an acceptable manner, the Stormwater Management Facility throughout the construction of all phases of the subdivision or until a time as established by the Manager of Development Engineering, and monitor such operation and effects thereof. An operational manual, prepared by the owner’s engineer, shall be provided to the Manager of Development Engineering at the point of assumption by the City of Hamilton, the timing of which is to be established by the Manager of Development of Engineering.

5) That the Owner agree in writing to be responsible for the removal of sediment attributed to the development and verifying the volumetric capacity of the Stormwater Management Facility prior to assumption of the subdivision to the satisfaction of the Manager of Development Engineering;

6) That the owner agree to provide street lighting throughout the subdivision to the limits of the subdivision and on Upper James Street and Dickenson Road where deemed necessary, to the satisfaction of the Manager of Development Engineering.
7) That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

8) Where registration of a draft approved plan, or any portion thereof, results in the creation of lots which front onto a dead-end street of 45 metres or more in length, with no cul-de-sac bulb, then the Owner is required to provide a temporary turn-around with sign and convey sufficient to the City, by deed. The cul-de-sac is to be designed and constructed as per City of Hamilton standard RD-116.03, with a 20.75m bulb radius, and 60.0m return radius.

9) That the Owner be required to prepare a plan at his own expense to identify the portion of the one foot reserve on Plan 62R-12459, to be lifted.

10) That the owner agrees to widen the existing drainage easement, from Aeropark Boulevard to the existing pond, to establish a 9.0 easement to the satisfaction of the Manager of Development Engineering.

11) That the owner agree to construct a sanitary sewer on Dickenson Road From the west limit of Block 5 to the existing 675Ø sanitary sewer on Upper James Street.

12) That the Owner make a cash payment to the City for the future urbanization of Dickenson Road, from the west limit of Block 5 to Upper James Street, in accordance with the City’s Financial Policy;

13) That the owner convey approximately 27 feet from Block 5 – 7 to the City of Hamilton for road widening purposes on Dickenson Road, and establish the property line 60 feet from the centreline of construction of Dickenson Road, by certificate on the plan.

14) That the Owners agree in writing to dedicate daylight triangles, 15.0 metres x 15.0 metres, from the widened limits of Dickenson Road at the intersection at the intersection of Upper James Street; 15.0 meters by 15.0 meters, on Glanair Drive and Upper James Street; and 15.0 meters by 15.0 meters, from the widened limits of Dickenson Road at the intersection of Aeropark Boulevard to the satisfaction of the Manager of Development Engineering;

15) That the existing road be investigated for structural integrity by a qualified Professional Engineer. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address any concerns to the satisfaction of the Manager of Development Engineering.

16) That the Owner agree in writing, to include a clause in all agreements of purchase and sale, advising the purchaser that each site will be responsible for the installation and maintenance of on site stormwater quality control through oil/grit interceptors.
Development Planning

17) That the owner shall formally withdraw, in writing, draft approved Subdivision Application 24T-91004.

Social and Public Health Services Department

18) That all wells on the subject property must be abandoned according to Regulation 903 under the Ontario Water Resources Act.

Public Works

19) That final approval not be granted until such time as the necessary upgrades and improvements to the Twenty Road Pumping Station and Forcemain have been constructed and commissioned to the satisfaction of the General Manager, Public Works.

20) That the owner/proponent agrees to conduct a Class EA review/undertaking for the stormwater management facility pursuant to the Municipal Engineer’s Association Class Environmental Assessment Document.

Niagara Peninsula Conservation Authority

21) That the owner/applicant apply for and receive any approvals and permits required by Fisheries and Oceans Canada (DFO), the Ministry of Natural Resources (MNR) and the Niagara Peninsula Conservation Authority (NPCA) for the re-aligned watercourse.

22) That the recommendations contained in the C. Portt & Associates study (January 5, 2006) respecting natural channel design principals be incorporated into the proposed channel realignment. Details of channel length, channel cross sections, habitat features, planting plan and proposed watercourse crossings are to be submitted to the NPCA for review and approval.

23) That detailed lot grading and drainage plans, delineating both existing and proposed grades, all proposed storm outlet details and the means whereby major system flows will be accommodated across the lands, be submitted to the Niagara Peninsula Conservation Authority for review and approval.

24) That the owner prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Niagara Peninsula Conservation Authority including all erosion and sediment control measures that shall be installed prior to development and maintained throughout the construction process, and inspected after each rainfall to the satisfaction of Authority staff until all disturbed areas have been re-vegetated.
25) That the owner agrees in the executed subdivision agreement to implement all plans and required works detailed in Conditions 25 to 25 inclusive noted above.


27) That the subdivision agreement contain wording which acknowledges that development of the lots within this plan of subdivision are subject to site plan approval and compliance with the overall subdivision agreement.

28) That the SWM pond Block 9 and the watercourse corridor Block 8, including the required 15m buffer setback on each side (30m total) be placed in a protective zone category which prohibits development and recognizes the sensitive nature of these features.

Ministry of Transportation

29) That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a storm water management report and grading and drainage plans indicating the intended treatment of the calculated runoff and its impacts on the Upper James Street Right-of-way.

30) That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a copy of a traffic impact assessment addressing the anticipated volumes at full build-out, resulting from this proposed subdivision and their impacts on Upper James Street.

31) That prior to final approval, the owner shall submit a detailed site illumination plan showing that site generated lighting is at acceptable levels within the Upper James Street corridor.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 2460-2470 Upper James Street

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as ”The Corporation of the Township of Glanbrook” and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section __________ of Report 06-_________ of the Planning and Economic Development Committee at its meeting held on the __________ day of _______, 2006, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A”, appended to and forming part of By-law No. 464 (Glanbrook) is amended,

   a) by changing the zoning on Block 1 from the Airport-Related General Industrial “M4-096” Zone to the Airport-Related General Industrial “M4” Zone;
b) by changing the zoning on Block 2 from Airport-Related Prestige Industrial “M3-095” Zone to the Airport-Related General Industrial “M4” Zone;

c) by changing the zoning on Block 3 from the Airport-Related General Industrial “M4-095” Zone to the Airport-Related Prestige Industrial “M3” Zone;

d) by changing the zoning on Block 4 from the Airport-Related Commercial “C5” Zone to the Airport-Related Prestige Industrial “M3” Zone;

e) by changing the zoning on Block 5 from the Airport-Related General Industrial - Holding “H-M4-102” Zone to the Airport-Related General Industrial “M4” Zone;

f) by changing the zoning on Block 6 from the Airport-Related General Industrial - Holding “H-M4-102” Zone to the Airport-Related Prestige Industrial “M3” Zone;

g) by changing the zoning on Block 7 from the Airport-Related Commercial - Holding “H-C5-103” Zone to the Airport-Related Prestige Industrial “M3” Zone;

h) by changing the zoning on Block 8 from the Airport-Related General Industrial - Holding “H-M4-102” Zone to the Open Space - Conservation “OS3” Zone;

i) by changing the zoning on Block 9 from the Airport-Related Commercial - Holding “H-C5-103” Zone to the Open Space Conservation “OS3” Zone;

j) by changing the zoning on Block 10 from the Airport-Related Commercial - Holding “H-C5-103” Zone to the Airport-Related Prestige Industrial “M3” Zone;

k) by changing the zoning on Block 11 from the Airport-Related General Industrial - Holding “H-M4-102” Zone to the Airport-Related Prestige Industrial “M3” Zone;

l) by changing the zoning on Block 12 from the Airport-Related Prestige Industrial - Holding “H-M3-101” Zone to the Airport-Related Prestige Industrial “M3” Zone; and,

m) by changing the zoning on Block 13 from the Airport “AT” Zone to the Airport-Related General Industrial “M4” Zone.

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Open Space - Conservation “OS3” Zone, the Airport-Related Prestige Industrial “M3” Zone, and the Airport-Related General Industrial “M4” Zone.

4. 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 and ENACTED this day of , 2006.

_________________________________________  __________________________________________
MAYOR                                                                                      CLERK

ZAC-05-124
25T-200525
This is Schedule "A" to By-Law No. 06.
Passed the .......... day of ............, 2006.

Clerk

Mayor

Schedule "A"
Map Forming Part of By-Law No. 06 to Amend By-Law No. 464

Subject Property
Orlick Aeropark Subdivision, Part of Lot 5 - Concession 3

Block 1 - Change in Zoning from the Airport-Related Prestige Industrial "M4" Zone to the Airport-Related General Industrial "M4" Zone

Block 2 - Change in Zoning from the Airport-Related Prestige Industrial "M3-085" Zone to the Airport-Related General Industrial "M4" Zone

Block 3 - Change in Zoning from the Airport-Related Prestige Industrial "M3-085" Zone to the Airport-Related General Industrial "M4" Zone

Block 4 - Change in Zoning from the Airport-Related Commercial "OC" Zone to the Airport-Related Prestige Industrial "M4" Zone

Block 5 - Change in Zoning from the Airport-Related General Industrial - Holding "H4-M4-102" Zone to the Airport-Related General Industrial "M4" Zone

Block 6 - Change in Zoning from the Airport-Related General Industrial - Holding "H4-M4-102" Zone to the Airport-Related Prestige Industrial "M3" Zone

Block 7 - Change in Zoning from the Airport-Related Commercial - Holding "H4-C5-103" Zone to the Airport-Related Prestige Industrial "M3" Zone

Block 8 - Change in Zoning from the Airport-Related General Industrial - Holding "H4-M4-102" Zone to the Open Space - Conservation "OSO" Zone

Block 9 - Change in Zoning from the Airport-Related Commercial - Holding "H4-C5-103" Zone to the Open Space - Conservation "OSO" Zone

Block 10 - Change in Zoning from the Airport-Related Prestige Industrial - Holding "H4-M4-102" Zone to the Airport-Related Prestige Industrial "M3" Zone

Block 11 - Change in Zoning from the Airport-Related General Industrial - Holding "H4-M4-102" Zone to the Airport-Related Prestige Industrial "M3" Zone

Block 12 - Change in Zoning from the Airport-Related Prestige Industrial - Holding "H4-M3-101" Zone to the Airport-Related Prestige Industrial "M3" Zone

Block 13 - Change in Zoning from the Airport-Related "AT" to the Airport-Related General Industrial "M4" Zone