Delivered

January 31st, 2014

The City of Hamilton
71 Main Street West
1st Floor
Hamilton, Ontario
L8P 4R5

Attention: Clerk’s Office

Dear Sirs:

Re: Airport Employment Growth District (AEGD)
Ancaster Christian Reformed Church – 70 Garner Road East

Please be advised that we act on behalf of Ancaster Christian Reformed Church (the “Church”) and our client is a party to the AEGD proceedings at the Ontario Municipal Board.

The Church was very pleased with the resolution passed by City Council on October 13, 2010 to include the Church’s lands within the AEGD plan. As Council will know, the Church has certain plans for the development of offices, church-based retreats and conferences, centres of learning and ministry programs, some of which will be in conjunction with Redeemer College. Details of these plans were presented to the City as early as July 21, 2009. It is worthy to note that the Church has clients ready to proceed towards construction as soon as this planning process is completed.

We are pleased to note that the staff report regarding the Airport Employment Growth District (PED13209(a)), which is to be presented to Committee on February 18, contains the resolution which sets out the basis upon which Council wanted to have the lands included in the AEGD. This justification can be summarized as follows:

1. The lands are contiguous to the existing urban boundary and represent a logical extension of the urban area boundary.

2. The lands are immediately serviceable with upgrades to the existing infrastructure.

3. The lands have frontage on Garner Road and on Fiddler’s Green Road and have easy access to Highway 403.
4. The proposed uses will complement other employment uses in the AEGD.

5. The proposed development of a church-religious retreat centre will contribute to jobs and assessment growth in Hamilton.

6. The proximity of the airport will complement the proposed conference facilities.

7. The proposed development is considered to be “shovel-ready” as the proposed development has commitments from project partners.

The staff report also notes that the Council resolution is still in force and effect. We note that nothing has changed to alter the justification for Council’s decision. As such, we would therefore request that Council reconfirm its earlier resolution so that such a reaffirmation becomes the City’s position entering Phase 3 of the OMB proceedings relating to the AEGD, which proceedings are tentatively scheduled for the fall of 2014.

We have reviewed the Secondary Plan refinement prepared by Dillon Consulting in their January 6, 2014 report (the “Dillon Report”). We note that the Dillon Report recommends that the Church’s lands be removed from the AEGD plan. While we respect the work that Dillon has undertaken for the City during this process, we must respectively disagree with the report’s conclusions as they relate to the Church’s lands. The Church property, identified as being within Block 2 in Area 9 is assessed in Table 2, page 31 of the Dillon Report. The concerns raised by the Dillon Report include their position that the proposal:

- Creates a disjointed land use pattern
- Is not readily accessible from Highway 6
- Will likely require significant servicing upgrades to current systems

In response to the Dillon Report, we would note that in fact this approval will not create a disjointed land use pattern. The Church is a legally existing use at present and since 1983 has been an integral part of the existing community fabric. The proposal allows for the expansion of the existing Church building as well as the addition of Church-related ministry programs on lands owned by the Church. The entire project is an expansion of an existing institutional use on a site and within an area where there is existing development. Therefore, the proposal simply recognizes and builds upon the existing land use pattern in the area.

In our opinion, proximity to other sites on a map is only one important criteria in assessing desirability of land use planning designations. We believe that the functionality of the site, which has not been assessed in the Dillon Report, is extremely critical. As noted, it is an existing use which currently is functionally tied to both the urban and rural sectors of the community. With the proposed expansion, these functional ties will continue to grow with or without the development of the Airport Employment Growth District.

One of the expectations of development plans for the site is the ability to take advantage of transportation infrastructure of the airport. One of the tenants anticipated for the site is a nationally based organization which relies on the airport for transportation needs. In addition,
conference and training facilities will also draw from a national and international market, thus relying on the airport for transportation needs. As such, there are strong functional relationships between this future development and the airport itself.

In addition, as noted in the Council resolution, the Church has strong ties with Redeemer University. This includes an existing university facility to the east on the north side of Rymal Road outside of the proposed AEGD in the urban area, as well as ties to future redevelopment initiatives being pursued by Redeemer within the AEGD. It remains our position that the function and use of this property, and therefore the consideration of its appropriateness from a planning perspective to be included in the AEGD, extends beyond simply drawing lines on a map.

In looking forward to the long-term, the development as proposed would set a very positive precedent by establishing an appropriate land use pattern which would buffer future employment uses to the south from the existing residential community on the north side of Rymal Road.

With respect to access to Highway 6, it is noted that the location of this property is more accessible to Highway 6 than most of the land within the AEGD, including all of those lands within the AEGD north of the airport and east of Smith Road. This site is readily accessible to Highway 6, not only from the nearby Fiddlers Green/403 interchange, but also from the partial intersection of Highway 6 and Garner Road. In our opinion, if accessibility of Highway 6 is an important criteria, this site would rank higher than most other sites within the AEGD.

The Dillon Report speaks about the possibility of some servicing constraints. Members of our study team have been in contact with the City over the last 5 years and have been actively involved in public information centres, meetings and correspondence with representatives of the study team and AEGD. From that review, we feel confident that servicing matters can be addressed. While there may be matters of timing, funding and future design, clearly these lands are serviceable and again are closer to existing services than the majority of sites within the AEGD.

In moving forward to the Ontario Municipal Board hearing, there are three options to implementing this proposal. The first option is to recognize the uniqueness of this property, its functional linkages to the existing urban community and the future Airport Employment Growth District, and include it within the AEGD as an integrated, desirable part of the overall AEGD as part of Option 1. Given the small size of the property (9 hectares), we believe it can easily be incorporated within the AEGD without compromising the integrity of the plan. The establishment of the 555 net hectare limit is based on a projection that we believe has some flexibility. In balancing the planning interests involved in this exercise, we believe that the inclusion of the land in addition to the 555 hectares, is a better planning solution than that of eliminating the opportunity for expansion of the site in a manner consistent with the objectives of the Airport Plan, in favour of simply reaching a pre-set mathematical outcome.

For the second option, if mathematics is a major factor in this planning decision, we would work with the City and planning consultants to identify 9 hectares on scattered parcels throughout the AEGD which may not be suitable for employment purposes at present and remove them from the plan and the calculation. This would allow us to consider the Church lands as part of the AEGD.
and ensure that the net area remains at 555 hectares. We believe this is an inappropriate and unproductive planning exercise. However, it would be one option to maintain the 555 hectares, if that was one of the primary objectives of this planning exercise.

The third and preferred option is to include 9 hectares of the Church lands within the AEGD and place an Institutional designation on the property. This has value from a number of perspectives. First, it would remove the site from being considered within the 555 hectares of employment lands within the AEGD.

Secondly, it would be consistent with the approach taken with other lands in the AEGD, including other lands owned by Redeemer, which as noted earlier, are functionally integrated with the operators of the Church property.

Thirdly, this approach would be consistent with the intent of the Church redevelopment plans which have been reviewed by the City for the past 5 years, which is to recognize and allow for the expansion of an existing Institutional use. We would suggest that this option can be implemented with an official plan amendment that would place an Institutional designation on the land which would also include a church-related retreat centre, training and conference facilities, and short-term (overnight) accommodation which is ancillary to uses permitted on the site.

This designation can be incorporated into the plan labeled as Option 1a as presented in the staff report. The land use plan for Option 1a would have to be modified to include an Institutional designation on the 9 hectares owned by the Church. This amendment to Option 1a would allow for the continued development of the lands which would recognize the expansion of the existing Church use while at the same time not compromising the ability of the AEGD to provide 555 net hectares of employment lands.

For these reasons, we would ask Council to reconfirm its position to include the Church lands within the AEGD and instruct staff to move forward in concert with myself and my client with an Institutional designation on the Church lands as part of Option 1a in the upcoming next phase of the Ontario Municipal Board hearing.

Respectfully Submitted,

ROSS & McBRIDE LLP
Per:

[Signature]

Copy via email to:
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Page 4