Via Email

Council of the City of Hamilton

c/o Economic Development & Planning Committee

and c/o Ms. Alexandra Rawlings

Office of the City Clerk

City Hall

71 Main Street West

Hamilton, Ontario

October 12, 2010

Re: Airport Employment Growth District/Urban Boundary
Freeland Developments Limited
Part Lot 46, Concession 4, Ancaster – Garner Road & Hwy 6

Our File No. 40639

Further to my attendance at the AEGD public meeting on September 30th, 2010, we have reviewed the staff summary of our oral submissions made on behalf of Freeland Developments Limited.

Unfortunately, staff’s summary misses the mark. Staff’s reporting of our oral submissions is incorrect. Freeland’s lands are already in the urban boundary.

Note that we supported the submissions made on behalf of Silvestri, more particularly, Mr. Lehman’s advice that two special policy areas along Garner Road be established.

As counsel appears intent on pushing this matter through, we wish to document the written submissions that we have already submitted. They are, in addition to this letter, the following:

(i) Our letter of September 29th, 2010 to Committee;

(ii) Our letter of June 18th, 2009 to the City clerk relating to the draft Urban Official Plan;

(iii) Written submissions of June 22nd, 2009 also relating to the draft Urban Official Plan – these submissions were made on behalf of Freeland Developments as well as a number of other property owners.

Furthermore, for the record, we reiterate the following concerns:

In Association with Sullivan Festeryga LLP
1. The Freeland property is strategically located at the intersection of Highway 6 and Garner Road;

2. As such, it is a primary location for a commercial node and commercial focus within the Airport Employment Growth District;

3. The policies which attempt to provide a transition from the residential neighbourhoods to the north by limiting the density and location of development on the lands on the south side of Garner Road are flawed and not in keeping with the overall Provincial Policy intent to use serviced urban lands efficiently and effectively. Regardless of the overall designation of the Freeland lands, the density of development should be increased and the setbacks proposed in the policies should be significantly reduced;

4. In the alternative, the Freeland property location immediately to the south of the existing Ancaster/City of Hamilton Urban Boundary makes it a suitable location for transitional residential uses. In addition, the Freeland property is readily serviceable and the hydro corridor to the south provides a suitable transition from the residential lands to the Airport Employment Growth District industrial lands to the south;

5. The Noise Exposure Factor (NEF) contours for the airport make it clear that the northerly portion of the growth district and the Freeland property are suitable for residential uses that transition from the residential uses on the north side of Garner Road.

We trust that this package of written submissions on behalf of Freeland Developments Limited will be delivered to the Minister if the Plan is adopted.

Yours very truly,

RUDOLPH LAW OFFICE
Per: Manfred Rudolph

MR/lj
Attachments
cc John Ariens
    Péter Pickfield

Rudolph Law Office
Via Email

Council of the City of Hamilton
c/o Economic Development & Planning Committee
and c/o Ms. Alexandra Rawlings
Office of the City Clerk
City Hall
71 Main Street West
Hamilton, Ontario

Re: Public Meeting – Proposed Airport Employment Growth District Secondary Plan
Written Submission on Behalf of Freeland Developments Limited
Our File No. 40639

We represent Freeland Developments Limited. It is the owner of approximately 100 acres at the south east quadrant of Garner Road and Hwy 6.

We have reviewed the correspondence and submissions from Silvestri Investments by way of letter of September 20th, 2010 with attachments, and we support the position as set out by Silvestri Investments.

In particular, we support the request made on page 5 of the Silvestri letter where it requests that your Committee make the following recommendation to Council:

“That Hamilton City Council revise the Airport Employment Growth District Secondary Plan as recommended for approval by City staff, in accordance with the recommendation set out in the Lehman & Associates planning opinion letter of September 20th, 2010.

And that Hamilton City Council approve the AEGD Secondary Plan as so revised.”

Alternatively, would you please recommend deferral of the matter or no decision with respect to the approval of the AEGD Secondary Plan at this time with a direction to City staff to review the planning and marketing opinions from Silvestri.

In Association with Sullivan Festeryga LLP
Either way, we look forward to an opportunity to have the consultants retained by Freeland Developments participate in and continue the dialogue with the City on these important issues.

On behalf of Freeland, we note an additional concern with respect to the proposed Secondary Plan. That concern relates to the proposed natural heritage designation at the south end of our client’s holding. We note that the area in question was not included in the Greenbelt Plan natural heritage system. In addition, we have preliminary input from our consultants and will be delivering it to staff to facilitate discussion which will, hopefully, take place in the context of the recommendations that we have requested or alternatively, in the context of a deferral and/or no decision along with a direction to staff to undertake the dialogue requested.

We attach a copy of our June 18\textsuperscript{th} and June 22\textsuperscript{nd}, 2009 written submissions, which augment the oral submissions that we made in the context of the City’s Official Plan process.

Thank you very much for your consideration.

Yours very truly,

RUDOLPH LAW OFFICE
Per: \[Signature\]
Manfred Rudolph

MR/Ij
Attachments
cc John Ariens/Matthew Johnston
  Sean Colville
  Client

Rudolph Law Office
June 22, 2009

Ms. Alexandra Rawlings
Office of the City Clerk
77 James Street North,
Hamilton, Ontario
L8R 3K3

Dear Ms. Rawlings:

Re: Draft Official Plan
Woodlands Estates, Norman Vartanian, Freeland Developments Limited
Gino and Olindo DalBello, Sukhdip Singh Johal, Rosslyn Armstrong,
Larry Couldridge, Linda Wybraniak, Randy Wozney and Judy Edwards

The above-noted property owners have concerns about the City’s proposed Urban Plan Policies. In particular, concerns about the proposed Natural Heritage System Policies, including, but not limited to the following, need to be addressed:

1. Wording in the proposed policies delegates responsibility for the review and approval of land use applications and supporting documentation to other authorities and agencies such as the Conservation Authority;

2. The policies are too restrictive and fail to achieve the necessary balance between the interests of the public and private property owners;

3. The policies are too restrictive and fail to achieve the proper balance between the public interest of environmental protection and compact urban form;

4. The policies lack appropriate technical foundation;

5. The flaws in the policies lead to inappropriate designations and schedules;

6. The flaws in the policies lead to inappropriate and unnecessary review and study requirements for land use applications;

In Association with Sullivan Festeryga LLP
7. Such further and other issues that may arise in a contextual review of the integrate web of policies put forward by the City.

We look forward to discussing these matters with staff and, if needed, the province.

Yours very truly,

RUDOLPH LAW OFFICE
Per: [Signature]
Manfred Rudolph

MR/lj
cc Joanne Hickey-Evans
Cathy Plosz
June 18, 2009

Ms. Alexandra Rawlings
Office of the City Clerk
77 James Street North,
Hamilton, Ontario
L8R 3K3

Dear Ms. Rawlings:

Re: Draft Official Plan
Freeland Developments limited

I represent the above-noted property owner. Freeland Developments Limited owns land on the south side of Garner Road. My client is presently bisected by the Hwy 6 extensions south from the 403 to the airport.

On behalf of my client, I have registered concerns about the woodland definitions and policies in the proposed Official Plan.

It is our position that the definitions and policies are unduly restrictive thereby severely limiting the use of the subject lands. This contravenes the provincial directive to efficiently use the lands designated or to be designated for urban uses.

In addition to the general concerns about policy and definitions, we note that the lands noted above have absolutely no connectivity to any surrounding natural heritage/ESA/ANSI lands designated locally or provincially.

We will get back to you when we have a consultant review the general and specific issues.

Also, further to my submissions at the public meeting, the airport growth district should permit residential designations, in particular, at the northerly transition areas north of the hydro corridor. Insofar as the wording of the growth district policies restricts such designations, our position is that the Official Plan policies presently before the Committee and Council should provide such flexibility and potential.

In Association with Sullivan Festeryga LLP
Furthermore, insofar as the residential potential of this subject area is concerned, should the designation of the future urban growth district at the south east end of the City prejudice the consideration of residential designations at the north portion of the airport growth district, it is our position that the future urban growth district should include policies recognizing the paramountcy of the airport growth district’s development potential.

We look forward to continued discussion with the City, Province and the other landowners in the north end of the airport growth district.

Yours very truly,

RUDOLPH LAW OFFICE
Per:  

Manfred Rudolph

MR/ij
cc Joanne Hickey-Evans
    Cathy Plosz