January 31, 2014

VIA EMAIL

Planning Committee of Hamilton City Council
Hamilton City Hall
2nd Floor - 71 Main Street West
Hamilton, ON
L8P 4Y5

Dear Madam Chair and Members of Planning Committee:

Re: Airport Employment Growth District ("AEGD") PED13209(a)

We are the solicitors for the group of landowners known as the Twenty Road West Landowners Group. Our group owns land in the block bounded by Twenty Road, Dickenson, Upper James and Glancaster. A map of the landholdings and owners within our group is attached for your reference. We are pleased to provide you with this written submission on the refinement of the proposed AEGD.

At the outset, Council should appreciate the fact that our clients share the City’s motivation and desire to create a new business park around the Airport that will attract business and create jobs in Hamilton. Our clients have a substantial and significant common interest with the City for development of the AEGD, and fully support the development of a large part of this block for employment uses as part of the AEGD.

From our groups perspective, the recommendations from staff and the consultants do not optimize the prospect for the creation of a successful business park around the Airport. Our group proposes an alternative to refinement of the AEGD that we view as the best long term planning decision for the City.

Our group is striving to achieve a solution that is in everyone’s best interest and can be implemented without further delay or litigation. It is in the best interests of the City of Hamilton that the City and the affected landowners work towards the common goal of creating a successful business park around the Airport.
In our view, staff's analysis on the refinement of the proposed AEGD is not optimal and is overly simplistic in its approach to delete only the lands on the western edge of the AEGD boundary. The lands that staff recommend removing are central to the proposed AEGD, bounded by the Airport to the south and Provincial Highway 6 to the west.

**BLOCKS 6 & 8 – EAST AND WEST SIDE OF SOUTHCOTE ROAD SOUTH OF HYDRO CORRIDOR**

Blocks 6 & 8 are possibly the best suited lands for employment uses within the entire Secondary Plan Area. These lands:

- have no significant environmental constraints to development;
- have existing direct access to Southcote Road and Smith Road;
- require limited new subdivision road infrastructure (in contrast especially to the Twenty Road West Block);
- are easily serviced;
- have an existing lot fabric for direct access to Southcote and Smith Road that is well suited to immediate industrial development without requiring complicated cost sharing arrangements, subdivision plans or costly local servicing;
- have excellent and convenient access to Provincial Highway 6 and Highway 403;
- are entirely within the 30 NEF and have no development potential, other than for employment or other non-sensitive uses; and,
- are not constrained by adjacent urban neighbourhoods with sensitive uses.

**RESULT – BLOCKS 6 AND 8 SHOULD BE IN THE AEGD (170 ACRES)**

**THE SMITH FARM (BLOCKS 3 & 9)**

Council specifically directed that the Smith Farm be included in the AEGD and our group supports that decision. The Smith Farm lands are adjacent to the Airport, located right at the end of the runway, and are within the 40 NEF contour. These lands have no capacity to be used for anything other than employment uses and have the unique capability of accommodating “Airside Industrial” as well as many other industrial uses. Airside Industrial lands have the capacity for direct airside access and are located in what can be a prime industrial area. These blocks also have excellent access to Highway 6 and other arterial roads in the business park. It would be inappropriate to have Smith Road as the AEGD western boundary, and to leave the Smith Farm orphaned and un-serviced at the edge of the runway. It is also significant that these lands are not
constrained by significant natural areas, and have no existing adjacent urban neighbourhoods with sensitive uses.

RESULT – THE SMITH FARM LANDS SHOULD BE IN THE AEGD (74 ACRES)

BLOCK 1 – AIRSIDE INDUSTRIAL

The Block 1 lands, which are south of the Airport, have direct access to Highway 6 and are located close to the entrance of the Airport. These lands are designated in the AEGD Secondary Plan for Airport Related Business. The Airport Related Business designation is intended to provide for employment uses that benefit from proximity to the Airport or provide services to travellers. The lands near to the Airport entrance are the only lands able to accommodate Airport Related Business. In our view, a substantial portion of Block 1 needs to be included to provide for sufficient opportunities for development of Airport related businesses, with direct and convenient access to Highway 6 and to the Airport. The staff recommendation proposes to eliminate 2/3 of the total land designated for Airport Related Business, which is substantially out of proportion to the total area to be removed from the AEGD. Only a proportionate amount of the Airport Related Business Area can be considered for removal, or about 20% of the area as originally designated by Council.

RESULT – MOST OF BLOCK 1 SHOULD BE IN THE AEGD (70 ACRES)

THE STAFF/CONSULTANT RECOMMENDATION

The issues with the staff/consultant recommendation are: (i) the fixation with the concept of “urban area continuity”; and (ii) the fixation with the “end of the pipe”.

1. Inappropriate fixation with the existing urban boundary - The goal of the planning exercise should be to create a framework for a successful business park. Instead of fixating on the urban boundary and considering no option other than Twenty Road as the only place for northerly boundary, it is our view that the Airport should be treated as the focal point, and that proposed growth should be focused around the Airport. This vision of expansion ensures that lands that are best suited for employment uses and that can only be developed for employment uses, are designated as part of the AEGD and are not left orphaned at the end of the runway despite being easily serviced and having very convenient access to Highway 6 and Highway 403.

Those areas that our group proposes to remove from the AEGD in the Twenty Road block will develop for urban uses over the long term, with the best use of these lands to be subject to further consideration and justification. The lands our group seeks to exclude from the AEGD as part of this process will eventually form part of the urban fabric in due course. Our group’s plan allows for proper local planning of a transition between communities and the new employment area.
The planning exercise is to build a business park focused around the airport. The planning exercise is not to create a business park focused on the existing edge of the urban boundary.

2. **Inappropriate fixation with the lands at the “end of the pipe”** – The “end of the pipe” argument has no merit. The lands that are best suited for employment uses should be designated for employment uses. There is no material difference in the incremental cost to service the lands at the “end of the pipe”. The lands that our group seeks to remove from the business park are largely in the Phase 2 Stage 2 servicing scenario and are no different from a servicing perspective. The full cost to service the Twenty Road block is likely far higher than the cost to service additional lands along Southcote and Smith that do not require the same type of internal servicing and significant local road infrastructure.

THE TWENTY ROAD WEST LANDOWNERS CONCEPT

Our clients' proposed Concept Plan for the AEGD refinement is attached for the Committee’s consideration. It is our group’s view that its concept for refinement of the AEGD is optimal, and creates a more viable and sustainable plan which will help support the creation of a successful business park around the Airport. The Concept Plan is the product of a comprehensive planning process supported by the landowners, and is based on a full environmental evaluation of the development constraints in the block which was undertaken in 2013. Our concept considers all the lands in the block as to their ultimate long term highest and best urban use. In forming this Concept, our group believes that it has taken into account the best interest of all, including the City, the environment and the existing residential neighbourhoods.

Highlights of the Concept Plan include the following:

- 480 Acres of Employment Land - approximately 75% of the developable lands within block;

- 150 Acres of New Phase 1 – Stage 1 Employment Lands east of the Garth Street extension and contiguous with the existing largely undeveloped Airport Business Park lands along Upper James;

- 240 Acres of Green Space, Parkland and Corridor Land – approximately 25% of the entire block;

- Preservation of all significant wetlands, woodlots and watercourses in a natural system that protects, preserves and conserves the numerous existing natural features;

- Business/Employment Mixed Use Corridor lands to initiate the development of the Garth Street Extension with capacity to jump start development of employment uses in the block and allow for a range of business and commercial amenities to serve the AEGD as well as the surrounding communities;
• No New Employment Areas Directly Adjacent to Existing Urban Neighbourhoods; and,

NO RESIDENTIAL PERMISSIONS ARE SOUGHT IN THE AEGD PROCESS

• The Future Urban Development Lands proposed for the block are to be considered for new urban uses only in the context of a future municipal comprehensive review. The proposal does not contemplate designation of new residential areas within the AEGD.

CONCLUSION

Also attached to this letter is an overlay of how our group’s Concept Plan fits within the proposed AEGD. This visual identifies that the central AEGD is not constrained by our proposal and that keeping the focus of the AEGD to the west capitalizes on the existing road network, including Smith, Southcote, and provincial highways #6 and #403. Transportation is of course the basic building block for a successful business park. From our perspective, the focus of the AEGD should be on the airport and capitalizing on the existing road network, not a fixation on the existing urban boundary. Also note that the lands which staff seek to remove are constrained by airport noise.

We have a genuine opportunity to move forward by consensus to create a successful business park that will attract business and create jobs in Hamilton. There are significant property and infrastructure contributions that our clients could initiate in order to quickly be in a position to develop high quality Phase 1 employment lands in the short term. These are the discussions that we should be having, instead of arming ourselves for a long drawn-out battle at the OMB and into the future that could keep the AEGD grounded.

We look forward to addressing the Committee on February 18. In the meantime, if there are any questions, concerns or comments for our group or any of its consultants, we would be pleased to hear from you.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

Joel D. Farber
JDF/ay
cc: Glenn Scheels, GSP Group
     Clients

K:UFarber\WpData\Twenty Road Landowners Group\Letters\Planning Committee January 31 2014 (FINAL).doc
Mixed Use: 194.3ha (480.1ac)
Prestige Business: 69.6ha (171.9ac)
Light Industrial: 94.0ha (239.7ac)
Core Natural Area: 94.0ha (239.7ac)
Hydro Corridor: 360.9ha (891.7ac)

Total: 360.9ha (891.7ac)

Water Course
Proposed Road
Existing Road
NEF 30

Twenty Road Block Concept
January 6, 2014

Scale: 1'12,000
Project No.: 11075
Drawn By: J.H.