SUBJECT: Official Plan Amendment and Zoning Applications for 58 Carluke Road West, Ancaster (PED06089) (Ward 12)

RECOMMENDATION:

(a) That approval be given to Amended Official Plan Amendment Application OPA-05-21 Oakrun Farm Bakery Ltd. (John Voortman) owner, to amend the text of “Specific Policy Area 47” in the Ancaster Official Plan to increase the area for bakery use from 4.65 hectares to 9.3 hectares, and add “Specific Policy Area 47” to the southerly lands (Block “2”), for the lands known municipally as 58 Carluke Road West (Ancaster), as shown on Appendix “A” to Report PED06089.

(b) That approval be given to Amended Zoning Application ZAC-05-114, Oakrun Farm Bakery Ltd. (John Voortman) owner, for changes in zoning from Agricultural “A-324” Zone to Agricultural “A-547” Zone (Block “1”), and from Agricultural “A” Zone to Agricultural “A-547” Zone (Block “2”), to permit an expansion to the existing Oakrun Bakery operation, for lands known municipally as 58 Carluke Road West (Ancaster), as shown on Appendix “A” to Report PED06089, on the following basis:

(i) That Block “1” be rezoned from the Agricultural “A-324” Zone to the Agricultural “A-547” Zone.

(ii) That Block “2” be rezoned from the Agricultural “A” Zone to the Agricultural “A-547” Zone.
(iii) That the draft By-law, attached as Appendix “C” to Report PED06089, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Ancaster Official Plan upon finalization of the proposed Official Plan Amendment No.___.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the applications is to permit the expansion of the existing Oakrun Bakery operation onto the lands identified as Block “2” on Appendix “A”.

The applications have merit and can be supported, as they are consistent with the policies of the Provincial Policy Statement and conform to the Greenbelt Plan and the Hamilton-Wentworth Official Plan.

**BACKGROUND:**

**Proposal**

The applications are to facilitate the expansion of the existing Oakrun Bakery operation onto additional lands to the south. The existing bakery operation currently occupies 4.65 hectares of a 79 hectare farm. The existing operation has a total gross floor area of 18,720.8m², including a new freezer component. There are currently 400 workers employed at the bakery.

The owners have developed a long-range plan for growth over the next 10 to 20 years. They are proposing to increase the size of the land area for the bakery from 4.65 hectares to 9.3 hectares, and to increase the gross floor area of the bakery from 18,720.8m² to 36,508m² (refer to the concept plan attached as Appendix “B”). They are anticipating an increase of up to 150 new employees for the expanded facility (maximum 550 total), and are proposing to increase parking from 123 spaces to a minimum of 250 spaces.
Application for an Official Plan Amendment

An application for an Official Plan Amendment has been made to extend “Special Policy Area No. 47” in the Ancaster Official Plan onto lands to the south to permit the expansion of Oakrun Bakery (Block “2” on Appendix “A”). The application has been amended to change the text of “Specific Policy Area 47” to reflect the increase in the land area to be used for the bakery, from 4.65 hectares to 9.3 hectares.

Application for a Change in Zoning

An application has been submitted for changes in zoning from Agricultural “A-324” Zone to Agricultural “A-547” Zone (Block “1”), and from Agricultural “A” Zone to Agricultural “A-547” Zone (Block “2”), as shown on the attached map marked as Appendix “A”. The effect of the changes in zoning is to permit the expansion of the Oakrun Bakery operation onto Block “2”. The applicant has requested that the zoning regulations, which currently apply under special exception “A-324” on Block “1”, also be applied to Block “2”. In addition, they have requested the following to be included as special exceptions:

- Reduce the minimum setback along the western boundary to 3.0 metres for the existing temporary storage building, whereas a minimum setback of 15.0 metres is required.
- Increase the minimum number of parking spaces required from 123 to 250 spaces.
- Minimum 35.0 metre setback from Fiddler’s Green Road relating only to buildings existing at the date of the passing of this By-law, whereas a minimum 36.0 metre setback is required.
- Minimum 9.0 metres setback from the northerly property boundary, whereas a minimum 13.0 metre setback is required.

The application has been amended to include, as a special exception, the maximum proposed gross floor area of 36,510m² for the entire bakery.

Previous Development Applications

Regional and Ancaster Official Plan Amendment Applications ROPA-04-01 and OPA-04-06

Applications to amend the Hamilton-Wentworth Regional Official Plan and the Town of Ancaster Official Plan were submitted in April 2004. The purpose of the applications was to allow the private extension and connection of the municipal water pipe to service Oakrun Bakery. The applications were approved and the amendments came into effect on November 16, 2004.
Zoning By-law and Official Plan Amendment Applications ZB-98-04 and OP-98-01

Zoning By-law and Official Plan Amendment applications were submitted to permit the expansion of the bakery lands from 2.4 hectares to 4.65 hectares on Block “1” (Appendix “A”), and to accommodate floor area expansions to the bakery, which included a 1,487m² shipping warehouse and a 465m² cold storage building. The Zoning By-law included special exceptions such as:

- Minimum building setback of 50.0 metres from Fiddler’s Green Road, except a 36.0 metre minimum setback relating to the buildings as existing on the date of the passing of the By-law.
- Loading facilities to be situated in such a manner as not to interfere with the location or operation of the parking area.
- Minimum of 123 parking spaces.
- The lands to be exempt from Subsections 7.14(a)(xiii) (stable surfaces for parking areas) and (xiv) (sufficient intensity of lighting) of the Town of Ancaster Zoning By-law.
- The regulations of Subsection 7.17 – Open Storage of the Town of Ancaster By-law shall apply.

The Zoning By-law and Official Plan Amendment were passed by the former Town of Ancaster Council on September 14, 1998.

Zoning By-law Amendment Application ZB-88-18

Zoning By-law 88-124 was passed by Council of the former Town of Ancaster on November 28, 1988. The effect of the By-law was to permit an expansion to the bakery on Block “1” (Appendix “A”), to carry forward the special requirements of By-law 58-32, and add the following special exceptions:

- Maximum lot coverage of 40%, whereas the Town of Ancaster Agricultural “A” Zone permits a maximum lot coverage of 1%.
- Minimum of 104 parking spaces.
- 3.0 metre minimum wide planting strip to be provided along the boundary line adjacent to Fiddler’s Green Road, except for the driveway area.

Zoning By-law 85-32

In addition to the requirements of Zoning By-law 83-6, By-law 85-32 included the following special exceptions:
Maximum gross floor area of 6,500m².

Minimum building setback of 50.0 metres from Fiddler’s Green Road, 13.0 metres from the northerly and southerly boundaries, and 7.6 metres from the westerly boundary.

1 parking space per 46.5m² of gross floor area, whereas the Town of Ancaster Zoning By-law required 1 space per every 45m² of gross floor area.

Each parking space shall be setback a minimum of 7.6m from Fiddler’s Green Road and a minimum of 3.0 metres from any other boundary line.

Loading spaces to be located in such a manner as not to interfere with the location or operation of the parking area.

Loading spaces having a minimum width of 3.6 metres, a minimum vertical clearance of 4.2 metres and a minimum length of 16.7m.

Loading spaces to be set back a minimum of 16.7 metres from the edge of the parking area.

A minimum 3.0 metre wide planting strip adjacent to all boundary lines except for areas of ingress and egress.

The By-law was approved by former Town of Ancaster Council on January 10, 1983.

Zoning By-law 83-6

Zoning By-law 83-6 was passed by the former Town of Ancaster Council for Block “1” (Appendix “A”) and permitted the bakery operation, included a definition specifically for the bakery operation, and maximum gross floor area for the bakery.

Site Plan Applications SP-88-12, SP-98-15, SP-99-14 and DA-05-094

Four previous site plan applications were submitted for Oakrun Bakery. The most recent site plan application received final approval on October 19, 2005, and permitted an addition to the bakery for storage purposes.

Details of Submitted Application

Applicant: Oakrun Farm Bakery Ltd. (c/o John Voortman)
Agent: Fothergill Planning and Development Inc. (c/o Ed Fothergill)
Location: 58 Carluke Road West (See Appendix “A”)

Description: Frontage: 299.9 metres
Depth: 237.7 metres
Area: Approximately 7.1 hectares (bakery use) 79 hectares (entire property)
Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Bakery</td>
<td>Agricultural “A” and</td>
<td>Agricultural “A-324” Zones</td>
</tr>
</tbody>
</table>

Surrounding Lands:

| North, South, East and West | Single Detached Dwellings and Agricultural Uses | Agricultural “A” Zone |

ANALYSIS/RATIONALE:

1. The applications for Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
   (i) They are consistent with the Provincial Policy Statement and the Greenbelt Plan, and conform to the policies of the Hamilton-Wentworth Official Plan.
   (ii) The proposed expansion makes efficient use of existing private water servicing.
   (iii) They allow for the expansion of the City of Hamilton’s tax base and increase local employment opportunities.

2. There have been four previous site-specific Zoning By-laws passed for Oakrun Bakery. By-law 83-6, passed by former Town of Ancaster Council, permitted a bakery having a total gross floor area of 2,365m² and included a definition of bakery designed specifically for this operation. This By-law was repealed by By-law 85-32, which increased the maximum gross floor area to 6,500m² and incorporated various building setbacks and parking, loading and landscaping requirements. This By-law was repealed by By-law 88-124, which included a maximum lot coverage of 40%, a minimum 3.0m wide planting strip along the boundary line adjacent to Fiddler’s Green Road and amended the number of parking spaces required. It also carried forward the building setback requirements, loading space and landscaping requirements of By-law 85-32.

   In September 1998, the former Town of Ancaster Council passed Zoning By-law 98-104, which amended By-law 88-124. Changes were made to the minimum building setbacks, location of loading facilities and the number of parking spaces required. In addition, the Town of Ancaster Zoning By-law open storage requirements were applied to the property.

   The applicant has requested four new special exceptions, in addition to those outlined in By-laws 88-124 and 98-104, to be included in the new By-law. These include:
- A minimum 3.0 metre setback along the westerly property boundary for temporary storage buildings, whereas a minimum setback of 15.0 metres is required.

- A minimum of 250 parking spaces, whereas the “A-324” Zone requires 123 spaces.

- A minimum 35.0 metre setback from Fiddler’s Green Road relating only to buildings existing at the date of the passing of this By-law, whereas the “A-324” Zone requires a minimum 36.0 metre setback.

- A minimum 9.0 metre setback from the northerly property boundary, whereas a minimum setback of 13.0 metres is required.

**Westerly Property Boundary Setback**

The applicant has proposed a westerly property boundary setback of 3.0 metres to an existing temporary storage building. The adjoining use to the west is agricultural. As this is an existing situation which appears to have existed harmoniously, and potential impacts from the reduced setback are minor, the proposed setback can be supported.

**Parking Spaces**

The previous By-law required a minimum of 123 parking spaces, whereas the applicant is now proposing a minimum of 250 parking spaces. The proposed parking requirement is based on a ratio of 1 parking space for each 2 employees (total of a minimum of 500 employees). The Town of Ancaster By-law provides two scenarios when calculating parking requirements for industrial uses. One scenario is based on the number of employees as discussed above, whereas the other scenario is based on floor area (1 parking space per 45m² of gross floor area). The greater number between the two scenarios is the number of parking spaces required. Based on the total proposed gross floor area of 36,508m², 812 parking spaces would be required. This exceeds the applicant’s needs and, therefore, they are asking to apply the smaller number of parking spaces (250).

Currently, the bakery employs 400 workers. Based on this number and the current number of parking spaces required (123), parking spaces are provided at a ratio of 1 space per 3.3 employees. Based on the maximum number of employees (550) and the proposed number of parking spaces (250), parking spaces would be provided at a ratio of 1 space per 2.2 employees, creating a better parking scenario than what is currently existing on site.

Based on the above, 250 parking spaces are appropriate for the bakery operation and can be supported.
Setback from Fiddler’s Green Road

By-law 98-104 required a minimum 36.0 metre setback relating to the buildings existing at the time of the passing of that By-law. Instead of 36.0 metres, the building is actually setback 35.0 metres from Fiddler’s Green Road. Although the existing setback is slightly smaller than what was previously required, impacts from the reduction are minor, and a setback of 35.0 metres can be supported.

Setback from Northerly Property Boundary

By-law 85-32 originally required a 13.0 metre setback from the northerly limits of Block “1”. This regulation was carried forward into the subsequent amendments. However, instead of a 13.0 metre setback, a small portion of the existing building is actually located 9.0 metres from the limits of the current northerly lot line. In this regard, the proposed rezoning of Block “2” has the effect of adding a minimum 31.0m wide strip of land to the northerly lot line (see Appendix “A”), which thereby negates the need for this modification.

The implementing Zoning By-law will also include a maximum gross floor area of 36,510m², as proposed by the applicant.

There are a number of regulations from By-law 98-104 which will be incorporated into the new By-law. These include regulations relating to maximum lot coverage, setbacks, parking areas and lighting, outdoor storage, landscaping and the definition of Bakery, which are outlined in greater detail in the attached By-law (Appendix “C”). The previous site-specific By-laws included regulations relating to loading spaces. As the number and location of loading spaces will be dealt with at the Site Plan stage, these regulations are not required. In addition, for administrative purposes and ease of interpretation, By-laws 88-124 and 98-104 will be repealed.

3. Comments received through circulation of internal Departments indicated the following:

- Protection for a tree located on the road allowance.
- Parkland dedication.
- 3.048m road widening requirement for Carluke Road West.
- Internal design and connection of parking lots.

These issues will be addressed in greater detail as part of the Site Plan approval process.

4. Through pre-circulation of the application to property owners within 120 metres, six letters were received (see Appendix “D”). The concerns are outlined and addressed below:
Water Discharge and Contamination of Well Water

A few of the letters received expressed concern with how water flows directly onto their property from the subject site and negatively impacts their crops and livestock, and how well water may become contaminated. Surface water flow is a matter that will be reviewed by staff and dealt with at the Site Plan Control stage of development to ensure that neighbouring properties are not impacted. There is also protection with respect to the issue of groundwater contamination available under the Environmental Protection Act.

Septic System Capacity

One letter expressed concern that the increased number of employees will negatively impact the existing septic system. The applicant has indicated that the sanitary system was recently installed at the north end of the property with approval from the Ministry of Environment (MOE), and that it can be expanded to accommodate additional development on the site. Any expansions to the sanitary system will have to meet MOE minimum standards and their approval.

Quality of Life

Many of the letters expressed concerns over the continued deterioration of the residents’ quality of life due to the bakery operation, and concerns over how the expansion will result in increased traffic, noise, visual impacts, odour from the on-site lagoon and a decline in property standards.

Many of the letters expressed concern regarding increased car and truck traffic noise associated with the expanded operation. One letter received also indicated that Fiddler’s Green Road should be widened and flattened to accommodate the truck traffic. The Traffic Engineering and Operations Section of the Public Works Department reviewed the proposed rezoning and Official Plan Amendment applications and did not have any concerns related to the proposed expansion, other than a comment related to improved traffic flow on-site between the parking areas, which will be dealt with in more detail at the Site Plan approval stage.

The lagoon, which handles waste water from the bakery operation, was installed last year in accordance with Ministry of Environment standards. The system, which includes lagoon filter beds and a screening process, can be expanded to accommodate additional development. Any expansions to the waste water treatment system and odour are handled by the Ministry of the Environment through their Certificate of Approval process.

The letters also expressed concerns regarding the expansion and the visual impacts it will have related to increases in truck parking, location of parking areas and dumpsters. These issues will be dealt with in detail at the Site Plan stage and can be mitigated through proper site design and landscaping/screening.
Greenbelt Plan

One letter questioned whether the expansion is permitted in the Greenbelt area. This has been addressed in detail in the Policies Affecting Proposal Section of the report, and it is the opinion of staff and the Ministry of Municipal Affairs and Housing that the expansion is permitted.

Use of Products Grown on the Property

Two of the letters expressed concern that the proposed expansion goes beyond the original intent of processing crops on their own property and in the local area. The original intent was to utilize some product grown directly on the property for the bakery operation, but this is no longer the case. The original site-specific Zoning By-law 83-6 included a definition of Bakery, which did not specifically require that only products grown on the property or in the surrounding agricultural community be used in the bakery operation. The applicant has indicated that they do use products grown across the province, contributing to both the local and larger agricultural economy.

5. There are no sanitary sewers within the Carluke Road West road allowance available to service the subject lands and a septic system was recently installed, as discussed above. A Special Water Service Agreement for the subject lands was registered on title in April 2005, permitting the owner to construct a private water service. The owner should also be aware that the future width of this section of Carluke Road West is 26.213m, and at the Site Plan stage the owner will be required to convey approximately a 3.048m widening and establish the property line approximately 13.106m from the centreline of Carluke Road West.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, then the applicant has the option of using the property for the current range of “A” Agricultural and“A-324” Agricultural uses.

**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 applications for Official Plan and Zoning By-law Amendments.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

Policy 1.7.1(g) outlines that long-term economic prosperity should be supported by promoting the sustainability of the agri-food sector, while Policy 2.3.5(c) outlines that land may be excluded from prime agricultural areas for limited non-residential uses, provided that there are no reasonable alternative locations which avoid prime agricultural areas.

The proposal to expand Oakrun Bakery promotes the agri-food sector through 38% of its product inputs coming directly from the agricultural community. Oakrun Bakery continues to support and enhance the agricultural community.

The Provincial Policy Statement permits land to be excluded from prime agricultural areas for non-residential uses when there are no other reasonable alternative locations. Oakrun Bakery has made significant investment in this particular location and now have a very successful operation and would prefer to remain in this location. It is not reasonable or feasible to re-locate the operation. As such, there are no reasonable alternative locations and, therefore, the proposed expansion is consistent with the principles and policies of the Provincial Policy Statement.

Greenbelt Plan

The subject property is located within the “Protected Countryside” of the Greenbelt Plan. Section 4.5 of the Plan deals with existing uses and specifically includes policies for lands within the “Protected Countryside”. Section 4.5.1 of the Plan outlines that all existing uses lawfully used for such purpose on the day before the Greenbelt Plan comes into force are permitted. As well, Section 4.5.3 allows for expansion to existing buildings, structures, accessory structures and uses, and/or conversion of legally existing uses which bring the use more into conformity with the Plan, provided that: (a) new municipal services are not required, and, (b) the use does not expand into a key natural heritage or hydrological feature. As such, the proposed expansion meets the two tests in Section 4.5.3, and conforms to the policies of the Greenbelt Plan.

Hamilton-Wentworth Official Plan

The subject lands are designated as “Rural Area/Prime Agricultural Lands” in the Hamilton-Wentworth Official Plan. Policy 3.2 outlines that the “Rural Area” contains a variety of existing land uses and activities including residential, commercial, rural industrial and the primary activity of farming. Policy 3.2.3.1 of the Plan directs Area Municipalities to include policies which recognize and regulate industrial or commercial uses existing in the “Rural Area” at the date of the adoption of this Plan. Such policies must contain provisions to minimize negative impacts on the surrounding areas. In cases where it can be demonstrated that relocation to a more appropriate site is not practical, the Area Municipality must address and allow for the appropriateness and degree of expansion of such uses.
Policy C.4.2.1.2 a) viii) of the Plan permitted private extension of the municipal water pipe to service the bakery, and also indicated that no other extension or connection to the water pipe would be permitted.

As the Oakrun Farm Bakery is an established use in the “Rural Area”, a Regional Official Plan Amendment is not required. As the nature of the applications will facilitate the expansion of an existing industrial operation, the proposals conform to the intent of the Hamilton-Wentworth Official Plan policies.

Town of Ancaster Official Plan

The expansion lands (Block “2” on Appendix “A”) are designated “Agricultural” on Schedule “A” – Land Use Rural Area of the Town of Ancaster Official Plan. The existing bakery lands (Block “1”) are designated “Agricultural – Specific Policy Area # 47” on Schedule “F-1” – Specific Policy Areas of the Town of Ancaster Official Plan. SPA # 47 states that “notwithstanding the Agricultural designation, the existing bakery and expansions thereto shall be permitted on the lands identified as Specific Policy Area 47 on Schedule “F-1”, being a 4.65 hectare portion of the property at 58 Carluke Road West, in part of Lot 42, Concession 7”.

Policy 2.2.2 i) encourages “the expansion of the Town’s industrial and commercial development in order to diversify the Town’s tax base, improve its assessment ratio and to increase local employment opportunities”. Policy 2.1.2 iv) encourages “development only on lands that physically and safely can accommodate such development, ensuring that human life or property will not be endangered”. Policy 3.3.8 states that “all development in the rural area shall have adequate and efficient systems for water, sanitary sewage disposal and storm drainage and must be on the basis of private individual systems to avoid environmental problems that could result from development in these areas”. Policies 3.3.8.1 and 5.7.42.1 permitted the private extension of municipal water services to the bakery.

In addition, Policy 4.6.11 states that “the design of all Industrial areas shall be in keeping with the character of the area. The following design policies shall apply to all Industrial development:

i) landscaping, screening and buffering shall form an integral part of development, particularly when adjacent to residential uses.

ii) mature vegetation and the natural topography and drainage patterns shall be retained wherever possible.

iii) open storage of goods and materials shall be subject to policies in Section 5 of this Plan.

iv) adequate off-street parking facilities shall be provided for all permitted uses and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

v) all high intensity outdoor lighting shall be oriented away from Residential areas".
The proposal is to increase the existing bakery operation in both size and ultimately number of employees. The expansion to the bakery will assist in meeting the Ancaster Official Plan policies of diversifying the tax base and creating local employment opportunities. Previous Official Plan and Zoning Amendment applications for this property permitted the private extension and connection of municipal water services to service the bakery, thereby ensuring that any potential environmental problems associated with ground water would be avoided.

The expansion will require a high level of site design and landscaping to minimize any impacts on the surrounding land uses. As the expansion will be subject to Site Plan approval, all details relating to landscaping, outdoor storage and parking areas will be dealt with at that stage of development.

The Official Plan Amendment application is to apply “Specific Policy Area 47” onto the lands identified as Block “2” on Appendix “A”. In addition, the application has been amended to change “Specific Policy Area 47” to reflect the increase in the area to be used for the bakery, from 4.65 hectares to 9.3 hectares. Based on the foregoing, the proposal to expand the existing Oakrun Bakery operation can be supported.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Corporate Services, Budgets and Finance.
- Hamilton Municipal Parking System, Downtown Renewal Division.
- Grand River Conservation Authority.

**Public Works Department, Traffic Engineering and Operations Section** advised that they have no comments regarding the change in Zoning or Official Plan Amendment. Based on the preliminary site plan, they recommend that the parking lots be connected at the east end of the aisles through the grassed areas in order to improve traffic flow through the parking area.

**Public Works Department, Forestry and Horticulture Section** advised that there are no municipal forestry conflicts, however, there is concern for a 50cm d.b.h. Locust located on the road allowance, but it will not be directly impacted. Tree protection will have to be erected prior to commencement of any construction.

**Bell Canada** advised that an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act. Bell Canada requests to be circulated on any future site plan or other development application that is proposed to implement the subject Official Plan Amendment and Zoning By-law Amendment applications. Through these processes, Bell Canada will provide a more detailed review and comments with respect to any requirements Bell Canada may have to service the subject property.
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, these applications were pre-circulated to fourteen property owners within 120 metres of the subject lands. Six letters were received and are attached as Appendix “D”. The concerns raised in the letters are discussed in greater detail in the Analysis/Rationale Section of this report.

Notice of the Public Meeting will be provided to the same property owners and a sign has been posted on the site advising of the Public Meeting date in accordance with the requirements 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
The public are involved in the definition and development of local solutions.

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

:AF
Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 58 Carluke Road West (Ancaster)

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the Town of Ancaster” 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality 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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report of the Planning and Economic Development Committee at its meeting held on the day of __, 2006, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton, as amended by Official Plan Amendment No.____ to the former Official Plan of the Town of Ancaster, proposed by the Council of the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule “A” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by:

   (a) changing from the Agricultural “A-324” Zone to the Agricultural “A-547” Zone the lands comprised of Block “1”; and

   (b) changing from the Agricultural “A” Zone to the Agricultural “A-547” Zone the lands comprised of Block “2”;

   the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

   “A-547” Notwithstanding the provisions of Subsections 8.1, Permitted Uses, and 8.2, Regulations of Section 8: Agricultural “A” Zone of Zoning By-law No. 87-57, only the following provisions shall apply:

   Permitted Uses

   Bakery

   Regulations

   (a) Maximum Gross Floor Area 36,510m²

   (b) Maximum Lot Coverage 40%

   (c) Minimum Building Setbacks

   i) 50.0 metres from Fiddler’s Green Road, except a 35.0 metre setback may be provided as it relates to the buildings as existing at the date of the passing of this By-law, being ____, 2006.
ii) 13.0 metres from the southerly boundary.

iii) 13.0 metres from the northerly boundary.

iv) 3.0 metres from the westerly boundary for the temporary storage building existing at the date of the passing of this By-law being _____, 2006, and in all other cases a minimum of 7.6 metres from the westerly boundary.

(d) Parking

i) A minimum of 123 parking spaces, plus 1 additional space for every 140.0 m² of gross floor area in excess of 18,720.0 m², shall be provided and maintained.


(e) Landscaping

A minimum 3.0 metre wide planting strip shall be provided and maintained along the boundary line adjacent to Fiddler’s Green Road, except for the driveway area.

(f) Open Storage

The regulations of Subsection 7.17 – Open Storage shall apply.
(g) Definition of Bakery

Notwithstanding the provisions of Section 3, Definitions of Zoning By-law No. 87-57, the following additional definition shall apply:

“Bakery” means and includes the milling of grain grown on the subject lands and on lands in the surrounding agricultural community, production of bread and other related products, and shall include ancillary uses of storage, warehouse and office facilities in connection with this operation.

3. That Zoning By-laws 88-124 and 98-104 be repealed in their entirety.

4. That the amending By-law be added to Schedule “A” of Ancaster Zoning By-law No. 87-57.

5. 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-05-114
This is Schedule "A" to By-Law No. 06—

Passed the .......... day of .........., 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

Map Forming Part of
By-law No. 06-____

to Amend By-law No. 87-57

Subject Property
58 Carluke Road West

Block “1” - Change in Zoning from Agricultural
“A-324” Zone to Agricultural “A-547” Zone

Block “2” - Change in Zoning from Agricultural
“A” Zone to Agricultural “A-547” Zone

Scale: Not to Scale
File Name/Number: ZAC-65-114
Date: March 14, 2006
Planner/Technician: PM/MF
Anita Fabac, Senior Planner  
City of Hamilton, Planning & Economic Development Department  
Development and Real Estate Division  
Development Planning Section, City Hall  
71 Main Street West, 7th Floor  
Hamilton, Ontario L8P 4Y5

Dear Ms. Fabac:

Re: Official Plan and Zoning By-Law Amendment Application  
OPA-05-21/ZAC-05-98, 58 Carluke Road West, Ancaster, Ward 12

This letter is to express my concern about the intended expansion of Voortman’s Oakrun Bakery at 58 Carluke Road, Ancaster. We live on 549 Onondaga Townline, not far from the bakery and each day my wife and I travel by the corner of Carluke Road and Fiddler’s Green into Hamilton. I am a professor at McMaster University (located at St. Joseph’s Hospital) and my wife is a veterinarian at the Cat Clinic on Concession Street. We have both remarked that the transport trailer traffic has increased to a worrisome level, demanding extra caution on the narrow and hilly Fiddler’s Green Road. These trucks are also often obstructive turning in and out of the Oakrun property.

Our other concern is environmental. With so many employees, a considerable increase in manufacturing, and all creeks and streams eventually draining through my farm, we are concerned about the potential contamination brought about by expansion. Therefore, I would ask that the applicants address the concerns and that the region widen and flatten Fiddler’s Green Road if the zoning amendment application is granted.

I would be pleased to discuss these issues if you have any questions. My home phone is (905) 765-6122, office (905) 521-6021), email (chernesky@mcmaster.ca).

Yours truly,

Max A. Chernesky PhD.  
549 Onondaga Townline  
Caledonia, Ontario  
N3W 2G9
Anita Fabac,
Senior Planner
City of Hamilton, Planning & Economic Development Department
Development and Real Estate Division
Development Planning Section
City Hall
71 Main Street West, 7th Floor
Hamilton, Ontario
L8P 4Y5

Dear Ms. Fabac:

Official Plan and Zoning By-Law Amendment Applications
OPA-05-21/ZAC-05-98, 58 Carluke Road West, Ancaster, Ward 12

Regarding the proposed expansion of the existing Oakrun Bakery, we strongly wish to oppose any further expansion of the bakery for the following reasons:

- **NOISE**, especially at night from the fans and refrigeration equipment and at other times with trucks, etc.
- **SMELL**, there is a sewage-type smell at times that is intoxicating
- Unnecessary further depletion of agricultural land
- **GOODWILL** to their neighbours who have not opposed any of their assaults on our air, hearing, and sight for a long, long, time now. We chose to **LIVE IN THE COUNTRY, NOT AN INDUSTRIAL PARK.**
- Quality of our lives deteriorates with industry in our area, trucks, staff traffic, noise, smell, etc. A larger number of staff with this expansion will increase vehicle traffic.
- This expansion goes far beyond the original intent of the regulations for processing crops grown in this area.

Thank you for your consideration of these concerns. We look forward to hearing from you and realizing this proposed expansion DOES NOT TAKE PLACE.

Yours sincerely,

Ron and Faye Calder

cc: Mr. Murray Ferguson, Councillor
Anita Fabac,  
Senior Planner  
City of Hamilton, Planning & Economic Development Department  
Development and Real Estate Division  
Development Planning Section  
City Hall  
71 Main Street West, 7th Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Ms. Fabac:

**Official Plan and Zoning By-Law Amendment Applications**  
**OPA-05-21/ZAC-05-98, 58 Carluke Road West, Ancaster, Ward 12**

Regarding the expansion of the existing Oakrun Bakery. We are against any further expansion for the following reasons:

- **NOISE**, especially at night from the fans and refrigeration equipment  
- further depletion of agricultural land  
- “goodwill to our neighbour and live and let live” has gone far enough.  
- quality of our lives deteriorates with further industry in the area.  
- this expansion goes far beyond the original intent of the regulations for processing crops grown in this area.

Thank you for your consideration of these concerns.

Yours sincerely,

Robert Bailey

Robert and Margot Bailey

Cc: Mr. Murray Ferguson, Councillor
Hi Mr. Fabac,

Please find my concerns, as a homeowner living beside Oakrun, listed below, regarding the expansion of the Oakrun Bakery.

1. Esthetics of the property are deplorable. Oakrun bakery is an eye sore. A decision to live in the country is to get away from the city and industrial park setting. Oakrun is likened to an industrial park and with the expansion only means more asphalt and loss of pristine country landscape.

My suggestion is that Oakrun puts together a plan to ensure evergreens (at least trees that remain green year round) are planted to surround the entire property. Not small evergreens but 10 - 12 foot evergreens / trees that are planted reasonably close together. A simple verbal agreement is not enough. Accountability for making a statement to plant trees needs to be made via a binding written contract to do so within a set period of time that is agreeable to surrounding land owners. Oakrun has had many years to plant trees and spruce up their surroundings, yet has obviously not been a priority.

Flowers could be planted for the spring / summer months. Flower boxes could line the office windows.

Another suggestion is to ensure the older buildings are updated, ie/ new paint and that the new buildings are built to please the esthetics of country living. Silo's are rusting and need a facelift. Surprisingly Oakrun keeps getting the OK to expand however there appears to be no guidelines on esthetics in place on building in an agricultural zone. Further I question expansion in a designated 'green belt zone?' Is Oakrun in the greenbelt zone?

Also there needs to be a provision that 'junk' or extraneous items ect. are not left beside buildings creating an further eyesore. There appears to be a plethora of rig trailers being left on the property, which is multiplying. These unused rig trailers should be parked behind buildings. Dumpsters should also be located in the rear of the buildings.

Additional parking should be in the rear/back of the factory, not along the front of the buildings. Parking lots in the front of the bakery continue to grow and add more eyesore value.

2. Traffic is increasing and employees are contributing to speeding at an excess of 100 km/hr in a 60 km/hr zone. An expansion may mean more vehicles / increases in employees and more speeding. Oakrun has voiced that they are moving towards automation, meaning a decrease in employees, however I want to see a contingency plan that describes a decrease in numbers of employees and the # of trucks entering and exiting the bakery. Further the main road, Fiddlers Green, in front of the property is in bad condition. Trucks entering and exiting the property leave a trail of dirt/gravol that extends onto the asphalt of Fiddlers Green road, which cars swerve around to avoid hitting the gravol.

3. An issue that has come up especially in the warmer months is poignant odor that arises from the large holding ponds / lagoon. My
concern is that an expansion would cause issues for this lagoon creating a stronger, lasting, and more frequent odor.

4. A clanking noise has been heard previously coming from a silo. It appears to have been taken care of because of complaints from surrounding landowners, however will an expansion cause more noise from other sources? If not than what is in place to ensure there is no further noise pollution?

5. Another concern is emissions. What is the bakery doing to ensure clean air emissions and have they and or will they be checked on a regular basis? With expansion there is sure to come more emissions.

Thank you for your time and attention to my concerns. I trust you will find them reasonable and valid. Oakrun has potential to be a 'cute' bakery but is failing miserably at taking pride in their appearance to maintain a country setting and recognize environmental issues.

Rachel Adema-Hannes & family
1813 Fiddlers Green Road
stcaster
905 304 7423

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Rachel Adema-Hannes RN,BScN,MS
Professor
Faculty of Nursing
Mohawk College
905 540 4247 ext. 26063
December 28, 2005

663 Onondaga Townline Road
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(905) 765-8993

Anita Fabac, Senior Planner
City of Hamilton, Planning & Economic Development Department
Development and Real Estate Division
Development Planning Section, City Hall
71 Main Street West, 7th Floor
Hamilton Ontario L8P 4Y5

Dear Ms Fabac:

Re: Official Plan and Zoning By-Law Amendment Applications
OPA-05-21/ZAC-05-98, 58 Carluke Road West, Ancaster, Ward 12

I own and reside at the property at 663 Onondaga Townline Road, Caledonia, Ontario, which is one mile south and west, as the crow flies, from Oakrun Bakery. I object to any future expansion of Oakrun Bakery and think, frankly, that this application should be considered by the Ontario Municipal Board, not by Mr. Dianni and John Voortman’s other chums at City Hall.

The Oakrun facility has gotten completely out of control and now, seemingly, lives a life of its own. Voortman’s original application was to operate a small bakery, which would use only produce grown on his farm, something along the line of the Carluke Orchards shop. It now resembles a factory, not a family-operated bakery.

I object to any further expansion of this facility on the following grounds:

1. **Effluent:** The Oakrun factory discharges water that flows south, away from it, into a creek that crosses Sawmill Road and enters my property. This is a source of pollutants, damages my own property (which I am trying to preserve as a conservation area) and is contrary to any sound environmental protection principle.

2. **Smell:** You can smell the Voortman factory at my home, particularly on warm, humid summer evenings. A lot of this smell comes from a lagoon under Voortman’s control, into which he discharges waste. This lagoon lies between my place and his factory.

3. **Increased traffic volume.**

4. **Pollution concerns:** As I understand it, Voortman presently has 300 employees,
4. cont’d: whose daily bodily wastes are discharged into a septic bed on the property. Now he proposes to expand and employ more employees. Enough said.

5. Noise.

The proper place for a business of this nature is the Ancaster Industrial Park, or the industrial areas of downtown Hamilton. Its present site is a farming community, not an industrial zone, which it was never intended to be. I submit that Voortman has exhausted the goodwill of his neighbours and the generosity of City Council and should not be allowed to expand.

I cannot fathom why this application is being channeled as an application for a zoning by-law amendment. It should be the subject of a full-blown Ontario Municipal Board enquiry. And I think, frankly, that this is where it will end up.

Yours truly,

EDWARD Y. MORWICK

Copy this office with your decision on Voortman’s application. Thank you ever.
January 26, 2006

Dear Ms. Farse,


I now reside with my husband at 611 Knowlton Farmline Rd. Caledonia, Ont. the mile from Lakrow Bakery. I strongly object to any expansion of this factory.

Some reasons are:

1. Their waste discharge flows directly into my farm in two spots. This adversely affects my hay crops and livestock. Where we grow corn the crop was flooded killing newly planted seed. The pollution ends up one mile south in the Grand River - aka Patagonia River.

2. There is a nasty odour from their waste system.

3. There will be increased traffic and noise volume.

4. Our farm and other neighbours use well water. It will become contaminated.
This amendment would be a disaster for the existing farms and neighbors who live between the factory and the Grand River.

Yours truly,

Elizabeth Jane Hamilton M.E.