

INFORMATION REPORT

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: Ward 3			
COMMITTEE DATE: December 4, 2012				
SUBJECT/REPORT NO: Pan Am Stadium (PED12218) (Ward 3) (Outstanding Business List Item)				
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Heather Travis (905) 546-2424 Ext. 4168			
SIGNATURE:				

Council Direction:

At its meeting on November 6, 2012, Planning Committee directed staff to report back at the December 4, 2012, meeting of the Planning Committee on the following issues related to the Pan Am Stadium:

- (a) Confirmation that the Stadium complies with the urban design policy.
- (b) Zoning variations that may be required.
- (c) Schematics detailing the look of the Stadium.

Information:

In response to the above noted matters, staff provides the following information:

(a) Stadium and Urban Design Policies:

On October 12, 2012, Ontario Sports Solutions (ONSS) submitted a Site Plan Control Application (SPA-12-173) for the redevelopment of the Pan Am Stadium site at 120 Beechwood Avenue and 75 Balsam Avenue North. The proposed Site Plan is attached as Appendix "A". The application was scheduled for the October 31, 2012, Development Review Committee (DRC) meeting. At the DRC

SUBJECT: Pan Am Stadium (Outstanding Business List Item) (PED12218) (Ward 3) - Page 2 of 5

meeting, staff outlined several areas of concern related to urban design issues based on a review of the submitted plans and the Urban Design Report prepared by the applicant. The primary areas of concern which are critical to ensuring the City's Urban Design policies within the Urban Hamilton Official Plan and Site Plan Guidelines are satisfied are:

- 1. <u>Design of the Exterior Facades of the Building</u> The facades of the Stadium should present a new and high quality architectural expression. The "look" of the Stadium is an important part of Hamilton's civic and cultural image, and should be comprised of design elements that represent to Hamiltonians and visitors a lasting and positive visual experience. Exterior materials should be a high quality to create a building base that visually references the buildings surrounding the site. Areas beneath the stands should be visually screened, and large areas of blank walls should be treated architecturally to create visual interest.
- 2. <u>Design and Function of the Civic Plaza</u> The civic plaza should be of a high quality design that is inviting, comfortable, and welcoming, and be functional for both game and non-game days. Seating, shade, greenery, and visual interest should be provided. The civic plaza should become a civic landmark. The plaza should offer opportunities for social interaction and large and small community events such as farmer's markets, fairs, and food events. Consideration should also be given to lighting and the night-time experience, and the inclusion of public art.
- 3. <u>Completion of Sun/Shadow Study</u> The proponent has been advised to provide an analysis of the sun/shadow impacts of the proposal by comparatively analyzing these impacts against those of the existing Stadium, the Indicative Design, and the proponent's proposal.
- 4. <u>Completion of Urban Design Brief</u> The proponent has been advised to submit a revised Urban Design Brief, which demonstrates how the proposal is in keeping with the requirements staff had identified with respect to the Indicative Design, and how the proposal is guided and informed by the Council-approved Site Plan Guidelines. The Brief should demonstrate and explain the features of the overall design, the civic plaza, and the architectural expression, and include language that speaks to the intended goals and experiences.
- 5. <u>Other Site Design Details</u> Other issues that must be reviewed and addressed include landscaping, pedestrian and cycling facilities, Urban Braille, wayfinding, and public art.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities. Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

SUBJECT: Pan Am Stadium (Outstanding Business List Item) (PED12218) (Ward 3) - Page 3 of 5

Further, staff notes that prior to submitting a formal Site Plan Control application, the applicant, ONSS, had been provided with a memorandum which highlighted the City's Urban Design policies within the Urban Hamilton Official Plan, and Site Plan Guidelines which must be adhered to in the design of the new Stadium. This memorandum is attached as Appendix "B".

The Site Plan Control application was not approved by the Manager of Development Planning, Heritage, and Urban Design due to the outstanding urban design issues summarized above, and also due to the need for minor variances to the Zoning By-law, as outlined below.

Following the October 31, 2012, DRC meeting, staff has attended follow-up meetings and workshops with the applicant to further discuss the urban design issues. Staff is working with the applicant to address the issues that have been identified and ensure that the City's Urban Design policies are satisfied. To date, staff has not received revised plans from ONSS to evaluate for conformity with the City's Urban Design polices and Site Plan Guidelines.

Staff further notes that any future site plan approval will be conditional upon the applicant fulfilling a number of conditions, including submission and approval of Building Elevation Drawings, a Landscape Plan, Streetscape Plan, and Urban Design Report. Through review and approval of these additional plans and reports, staff will have an opportunity to ensure that the City's Urban Design goals and polices are implemented.

(b) Variances to the Zoning By-law:

Staff identified that the proposed Site Plan for the Pan Am Stadium did not comply with all regulations of Zoning By-law 05-200, and that the following variances to the Zoning By-law would be required:

- 1. Parking spaces and aisles shall be located closer than 3.0m of a street line along Melrose Avenue, Beechwood Avenue, and Balsam Avenue, instead of the required 3.0m from the street line;
- 2. Planting strips shall not be provided along Melrose Avenue, Beechwood Avenue, and Balsam Avenue, instead of the minimum 3.0m planting strip required;
- 3. No access aisle shall be provided for the parallel parking spaces along Beechwood Avenue;
- Parallel parking spaces along Beechwood Avenue shall not provide for ingress and egress of vehicles on the lot, or access to and from a street in a forward motion only;

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities. Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

SUBJECT: Pan Am Stadium (Outstanding Business List Item) (PED12218) (Ward 3) - Page 4 of 5

- 5. A minimum angled parking space length dimension of 5.2m shall be provided, instead of the minimum required 5.5m; and,
- 6. A minimum barrier free parking space width of 3.9m shall be provided, instead of the minimum required 4.4m.

The applicant submitted an application for approval of a Minor Variance (HM/A-12:245), which was scheduled for a Hearing before the Committee of Adjustment on November 15, 2012. Prior to the Committee of Adjustment Hearing date, the applicant revised the proposed Site Plan to remove the lay-by parking that had been proposed on Beechwood Avenue. Further, the applicant revised the parking area on the Balsam Avenue side of the Stadium in order to ensure that all parking spaces met the minimum required length of 5.5m. The applicant also revised the Plan to increase the width of barrier free spaces to 4.4m. As a result of these revisions, variances 3, 4, 5, and 6 noted above are no longer required. Further, Variances 1 and 2 above are only applicable to the Melrose Avenue and Balsam Avenue frontages. As such, the following variances to the By-law are required:

- 1. Parking spaces and aisles shall be located closer than 3.0m of a street line along Melrose Avenue and Balsam Avenue, instead of the required 3.0m from the street line; and,
- 2. Planting strips shall not be provided along Melrose Avenue and Balsam Avenue, instead of the minimum 3.0m planting strip required.

Staff reviewed the above noted minor variances and provided comments, attached as Appendix "C", to the Committee of Adjustment for the Hearing on November 15. Staff was supportive of Variances 1 and 2 on the following basis:

- The variances meet the intent of the Official Plan and Zoning By-law, as screening and buffering of the parking areas on Melrose Avenue and Balsam Avenue would be provided in the form of landscaped areas within the road allowance;
- The variances are minor in nature, as the parking area on Balsam Avenue would be partially screened by the columns of the grandstand. In addition, the parking areas on both Melrose Avenue and Balsam Avenue are screened by plantings in the road allowance and, therefore, the impact on adjacent residents is expected to be minor; and,
- The variances are desirable for the appropriate development of the lands, as the requested variances will facilitate the redevelopment of the Stadium site in an urban setting, while still providing appropriate buffering and shielding to adjacent uses.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities. Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

SUBJECT: Pan Am Stadium (Outstanding Business List Item) (PED12218) (Ward 3) - Page 5 of 5

At the Committee of Adjustment meeting on November 15, 2012, the application was tabled until the next Committee of Adjustment meeting on November 29, 2012, following a Neighbourhood Meeting to be held on November 20, 2012.

(c) Schematics detailing the look of the Stadium:

A copy of the Site Plan, Building Elevations, and SPA Perspectives, submitted with the Site Plan Control application, are attached as Appendices "A", "D", and "E". As noted above, these Plans have not received approval at the time of writing of this Report.

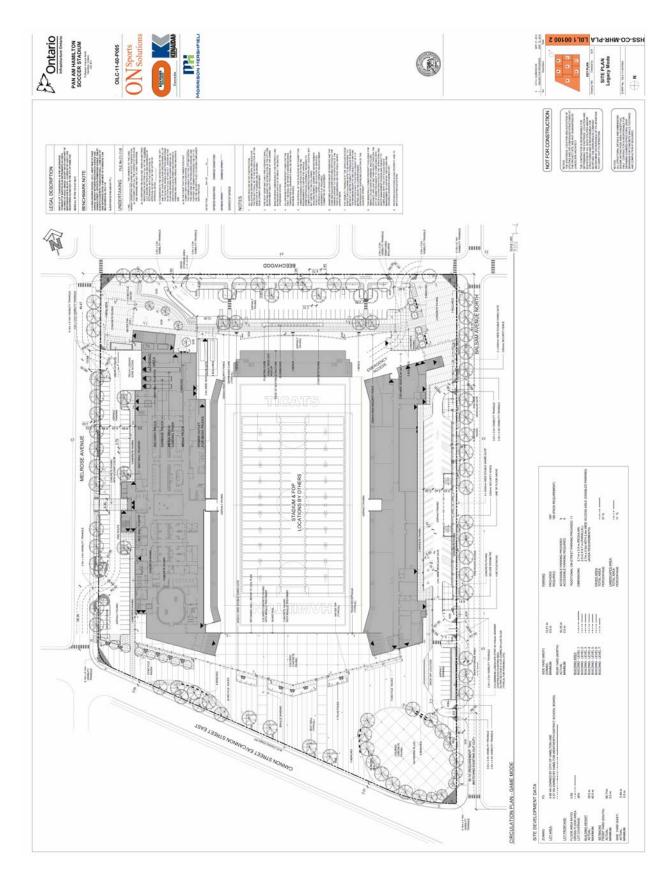
Staff has made arrangements with the proponent to present the detailed design drawings to Planning Committee at its December 4, 2012 meeting.

APPENDICES:

Appendix "A": Site Plan.

- Appendix "B": Memorandum from Planning Staff Regarding "Pan Am Stadium - Guidelines and Policies Relating to Site Design and Built Form", dated October 31, 2011.
- Appendix "C": Planning Staff Comments Regarding Minor Variance Application HM/A-12:245, Submitted to the Committee of Adjustment.
- Appendix "D": Rendered Elevations.
- Appendix "E": SPA Perspectives.

:HT Attachs. (5)



Appendix "A" to Report PED12218 (Page 1 of 1)



Memorandum

Planning and Economic Development Department

То:	Janet Warner Project Manager, Environment and Sustainable Infrastructure Division		
From:	Steve Robichaud Manager, Development Planning		
Phone:	905-546-2424 Ext. 5134	Fax:	905-540-4202
Date:	October 31, 2011	File:	
Subject:	Pan Am Stadium – Guidelines and Policies Relat Form	ing to Site D	esign and Built

Please see below for a list of relevant guidelines from the City of Hamilton's Site Plan Guidelines and policies from the Ministry-approved Urban Hamilton Official Plan which must be considered in the development of the Pan-Am Stadium.

Please note that the following list is not conclusive. The Pan-Am Stadium development shall be consistent with the entirety of the City's Site Plan Guidelines and shall comply with all Official Plan policies. However, the list below highlights certain policies which are particularly relevant regarding site design and built form.

The Ministry-approved Urban Hamilton Official Plan and the City of Hamilton's Site Plan Guidelines are available electronically at <u>www.hamilton.ca</u>.

CITY OF HAMILTON - SITE PLAN GUIDELINES

Section 2.2, Built Form, Public Realm and Streetscape

Guideline 2

Consideration should be given to both the built form and the space it defines to ensure their integration and the creation of positive, functional, open space.

Guideline 3

Within urban areas, spatial enclosure of streets is encouraged by orienting building mass towards the street. All or a part of the main building mass should be located close to the street to maximize the amount of building façade and activity along the street to enclose and animate the street space. Where buildings are discontinuous along the street, the street edge should be defined through the use of such elements as street trees, walls, fences, trellises or planting to extend the building plane along the street.

October 31, 2011 Page 2 of 6

Guideline 7

Opportunities should be considered to create community landmarks through road alignments, relationships with natural features and siting of new buildings to provide visual reference points.

Guideline 9

Minimum front yard setbacks, front porches, window bays and maximum glazing in the front elevation of buildings should be used to create social interaction on the street and enhance safety and security of the neighbourhood through informal surveillance.

Guideline 10

Safe, visible and direct connections should be provided from the public street to building entrances.

Guideline 11

Parking lots adjacent to public streets should be screened with low level fences, walls or shrub planting. The screening treatment should be low to maintain some visibility to promote safety.

Section 2.5 Safety and Security, General

Guideline 2

Public outdoor spaces should be designed to provide a clear definition of the purpose of the space and distinguish it from private areas. Landscaping, walls, fences and grade changes can be used to delineate private and public spaces.

Guideline 4

Locate all public open spaces and recreational facilities to maximize natural surveillance from buildings, public roads and walkways.

Section 2.5 Safety and Security, Buildings and Building Design

Guideline 3

All building entrances should be well lit, well defined, and visible from the street or parking areas.

Section 2.6 Barrier-Free Design and Urban Braille

Section 2.7 Public Art

Guideline 3

Public art is encouraged as a component of major commercial, office and institutional projects. The public art should include a wide range of artist-designed components in publicly accessible indoor and outdoor areas and could include fountains, doorways, signage, murals, sculptures, architectural features and landscape elements in addition to traditional art approaches.

October 31, 2011 Page 3 of 6

Section 3.2 Site Circulation, Pedestrian Circulation & Cycling Facilities

Guideline 1

A well defined and continuous pedestrian system should be developed on each site with connections to the public street, parking areas, surrounding buildings and pedestrian amenity areas. Primary pedestrian connections should be distinguished from secondary pedestrian connections through such measures as differing sidewalk widths and paving materials.

Section 3.2 Site Circulation, Parking

Guideline 2

Parking areas should generally be located behind the building mass at the side and rear of buildings. This will allow buildings to be located closer to the street and reinforce the City's objective of creating attractive, pedestrian-oriented streets.

Section 3.5, Loading, Storage and Utility Areas, Loading

Guideline 1

Loading bays, and other service areas should be oriented away from public street views and preferably screened from the street by building mass.

Section 4.2, Siting Buildings in a Neighbourhood

Guideline 1

Buildings should be sited to frame streets and terminate vistas. Attention should be placed on the massing of the building and the building detailing to create a landmark structure.

Guideline 2

Buildings that are located on prominent sites should receive special design attention and be designed with appropriately scaled exterior public space near the building entrances.

Section 4.3, Microclimate Design

Guideline 4

Building should be designed so that shadows cast onto public and private outdoor spaces located on adjacent properties are minimized. The intent is to provide for the use and enjoyment of outdoor spaces during summer afternoons and evenings.

Section 4.4, Massing and Building Design

Guideline 1

The principal building facades should be oriented toward the public street and not the parking lots or other areas.

October 31, 2011 Page 4 of 6

CITY OF HAMILTON – URBAN HAMILTON OFFICIAL PLAN

Section B.3.3 – Urban Design Policies

B.3.3.2 General Policies

- B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:
 - a) organizing space in a logical manner through the design, placement and construction of new buildings, streets, structures, and landscaping;
 - b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
 - c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
 - d) creating streets as public spaces that are accessible to all;
 - e) creating a continuous animated street edge in urban environments;
 - f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
 - g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
 - h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
 - i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.
- B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:
 - a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
 - e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

B.3.3.3 Built Form

- B3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
 - a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

October 31, 2011 Page 5 of 6

- a) locating principal facades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.
- B.3.3.7 Storage, Service and Loading Areas
- B.3.3.7.1 Service and loading areas shall be located away from streets so as to minimize disruption or conflicts with adjacent land uses and pedestrian routes and shall be screened as necessary from views from the public right-of-way.
- B.3.3.9 Access and Circulation
- B.3.3.9.1 Joint access driveways shall be considered on adjacent sites to minimize disruption of the public sidewalk, maximize the areas available for landscaping and minimize expanses of pavement.
- B.3.3.9.2 On large sites, clearly defined internal driving aisles shall be provided to provide visual and functional definition of the site, to direct traffic and to frame parking areas.
- B.3.3.9.3 To ensure safety and promote their priority over vehicular traffic, pedestrian walkways shall differ in material and appearance from driving surfaces.
- B.3.3.9.4 Landscaped walkways shall be provided along buildings, particularly in areas with high levels of pedestrian traffic. Walkways shall be connected to other pedestrian routes on the site and linked to pedestrian entry points at the street, and where appropriate adjacent developments.
- B.3.3.9.5 Pedestrian walkways shall be made continuous across driving aisles as well as across driveway entrances at the street where appropriate.
- B.3.3.9.6 Transit access shall be enhanced by:
 - a) connecting sidewalks to transit stops and shelters
 - b) locating transit stops and principal building entrances in close proximity to each other, where appropriate; and,
 - c) ensuring lighting, seating, trash receptacles and route information are available at each transit stop.
- B.3.3.10 Parking
- B.3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of

October 31, 2011 Page 6 of 6

quality urban spaces consistent with Section B.3.3.2. – General Policies and Principles

Section B.3.5 Community Facilities/Services

- B.3.5.2.1 All new public buildings which are publicly or privately owned and/or operated *community facilities*:
 - a) comply with Section B.3.3 Urban Design of this Plan;
 - b) be easily accessible by walking, cycling and public transit;
 - c) be located to be barrier free and to comply with all accessibility legislation, standards and guidelines;
 - d) where proposed adjacent to residential uses, be designed and operated to limit noise and traffic impacts and ensure privacy of neighbouring residents.
 - e) meet all of the following design criteria:
 - i) main entrances shall front onto a public road;
 - ii) parking shall be provided to the side or rear of the main building and be screened and landscaped;
 - iii) pedestrian walkways shall link parking facilities and public sidewalks to entrances;
 - iv) cycling infrastructure such as bicycle parking and paths shall be provided;
 - v) the design of landscaping and lighting shall be of high quality and appropriate to the site; and,
 - vi) lighting should highlight the design of buildings.

B.3.5.2.12 All new public buildings and public community facilities/services shall:

- a) be designed to reflect and enhance local community character, image, identity and sense of place; and,
- b) be encouraged to include public art as part of overall site and/or building design.

Section C.4.5 Roads Network

- C.4.5.18 The negative impacts of parking on urban environments and pedestrian activity shall be minimized through:
 - a) placement of parking and loading areas at the rear of buildings where feasible;
 - b) use of alternative paving materials such as but not limited to permeable pavement systems;
 - c) alternative surface water management in parking areas such as urban swales, and ditches;
 - d) other considerations including promotion of green technology and public art as a component of parking structures;
 - e) landscaping treatments in accordance with Section B.3.3.10 and the Zoning By-Law; and,
 - f) other applicable design guidelines and design policies of Volume 1, including Section B.3.3 – Urban Design Policies and Chapter E - Urban Systems and Designations.



Memorandum

Planning and Economic Development Department

Subject:	Committee of Adjustment Meeting of November 15, 2012				
Date:	November 12, 2012	File:	See Below		
Phone:	Ext. 1345	Fax:	905-546-4202		
From:	Peter J. De Iulio, Senior Project Manager				
То:	Scott Baldry, Secretary-Treasurer, Committee of Adjustment				

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on Thursday, November 15, 2012.

HM/A-12:245 75 Balsam Ave North and 160 Beechwood Ave (Hamilton)

The subject lands are designated "Open Space" on Schedule "A" – Land Use Concept in the City of Hamilton Official Plan and identified as "Civic and Institutional" in the Stipley Neighbourhood Plan which was approved by Council on February 26, 1974. The lands are zoned "P3, 42" (City Wide Park) Zone in Hamilton Zoning By-law No. 05-200.

A Site Plan Control application was submitted to the City on October 12, 2012, but a decision on the application has not been made as the following variances are required to implement the proposal.

The variances are required to facilitate the proposed development of a new stadium on the lands currently occupied by Ivor Wynne Stadium and Brian Timmis Stadium. The proposed stadium redevelopment includes a 22,500 seat stadium (oriented north-south on the site), 180 parking spaces, and a large public plaza space on the southern portion of the site. Three parking areas are being provided on site adjacent to Melrose Avenue, Balsam Avenue and Beechwood Avenue. Staff further note that the parking area adjacent to Balsam Avenue is located underneath the east grandstands, and as such this parking area is covered and partially screened by the columns of the grandstand and fencing.

The subject lands are located within an established residential neighbourhood, surrounded on three sides by residential and institutional uses and on the south by Scott Park. The subject lands are 5.45 hectares in area and irregularly shaped.

Variances 1 and 2

Variances 1 and 2 relate to the location of the three parking areas and associated planting strip. Zoning By-law No. 05-200 requires parking spaces and aisles to be located a minimum of 3.0 metres from a street line, with a 3.0 metre planting strip being

Subject: Committee of Adjustment Meeting of November 15, November 12, 2012 Page 2 of 4

provided between a parking space or aisle and a street line. The requested variances are required because the parking areas along Melrose Avenue and Balsam Avenue are located closer than 3.0 metres to the street line and a 3.0 metre planting strip has not been provided between the parking areas and the street line. Staff note that the subject proposal has been amended to remove lay-by parking from Beechwood Avenue and, therefore, variances 1 and 2 no longer apply to the Beechwood Avenue parking area.

In reviewing the subject proposal, staff note that constraints on the development of this site have resulted in the requirement for these variances. The subject lands represent an infill redevelopment within an established, built-out neighbourhood in an urban context. Development is therefore restricted by the size of the subject parcel, and further impacted by the irregular shape of the lands. The stadium use is land intensive, requiring space not only for the field of play and grandstands, but also parking areas and spectator gathering areas (public plaza), all required by the project specifications.

Further, regarding site design, staff note that locating the parking in three separate areas around the stadium has allowed for the inclusion of a large public plaza space adjacent to the Cannon Street frontage, which is envisioned to provide a year round benefit to the local community. As such, while the distribution of the parking areas around the site in the manner proposed has resulted in the need for variances, it has also allowed for the creation of the large public plaza space which provides an opportunity for implementing the goals of the Ministerial-approved (but under appeal and not yet in full force and effect) Urban Hamilton Official Plan in creating quality spaces that physically and visually connect the public and private realms (Policy B.3.3.2.4). Further Policy B.3.3.10.4 of the Urban Hamilton Official Plan states that "where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban Staff note that the Cannon Street frontage, while not technically spaces ...". considered the front yard under the Zoning By-law, does function as the 'front door' to the stadium, and as such, the location of the parking areas around the other three frontages is appropriate for the development of the subject lands.

Staff note that the general intent and purpose of the Official Plan and Zoning By-law as related to these variances is to ensure an adequate setback is provided between a street and parking spaces and aisles in order to allow for buffering and screening of these uses from adjacent properties. Policy B.3.3.6 of the City of Hamilton Official Plan states "Where necessary and feasible, off-street parking, driveways and/or loading areas adjacent to Residential Uses shall be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment." Staff further note that plantings are proposed in the municipal road allowance adjacent to the Melrose Avenue and Balsam Avenue parking areas, thereby providing screening of these parking areas from adjacent properties. Further, and as noted above, the Balsam Avenue parking area (located under the grandstands) is also partially screened from view by the columns of the east grandstand and fencing adjacent to this parking area. Finally, staff

Subject: Committee of Adjustment Meeting of November 15, November 12, 2012 Page 3 of 4

note that the nature of the stadium use is intermittent. Games and special events will not occur on the site on a daily basis. The parking areas will be unused for periods of time, thereby reducing the need for buffering of these areas. As such, and due to the site specific challenges with the development of this site for the proposed use as noted above, staff find that the subject proposal is meeting the intent of the Official Plan and Zoning By-law.

Further, with regards to the Balsam Avenue frontage, staff is of the opinion that the variances are minor in nature due to the location of the parking area beneath the grandstands and due to the proposed tree plantings within the road allowance. The parking area on the Balsam Avenue side is covered by the east grandstands, and is therefore partially screened by the masonry support columns of the grandstands, and by proposed fencing adjacent to the parking area. In addition, street tree and shrubbery plantings are proposed within the Balsam Avenue road allowance to provide further screening. As such, the impact on the properties on the east side of Balsam Avenue will be minor in nature. With regards to the Melrose Avenue frontage, the parking area on this side does not benefit from the partial shielding by the grandstands as on the Balsam Avenue frontage. However, staff note that the Site Plan shows that plantings are proposed within the Melrose Avenue road allowance which will provide shielding of the parking area. Staff have confirmed that these plantings will be maintained by the City of Hamilton and as such will not be removed in the future. As such, staff is satisfied that the requested variances are minor in nature as screening in the form of street tree and shrubbery plantings will be provided to screen the parking area from the houses and school on the west side of Melrose Avenue.

The requested variances will permit the redevelopment of the infill site for the proposed stadium use. As noted above, screening of the parking areas will be provided to buffer adjacent properties. As such, the requested variances are deemed to be appropriate for the development of the lands. Accordingly, staff support the variances.

Variance 3 and 4

These variances are no longer required since the proposal has been amended to remove the lay-by parking on Beechwood Avenue.

Variance 5

The general intent and purpose of the by-law is to ensure that parking spaces provide a minimum width and length to ensure adequate space for vehicular parking. The applicant is proposing a minimum angled parking stall length of 5.2 metres for the parking area on Balsam Avenue whereas the by-law requires a minimum length of 5.5 metres. Staff find that the undersized parking areas, as proposed, would result in parked vehicles extending beyond the area of the parking space and encroaching into the drive aisle. This causes a safety concern since it impacts on visibility and

Subject: Committee of Adjustment Meeting of November 15, November 12, 2012 Page 4 of 4

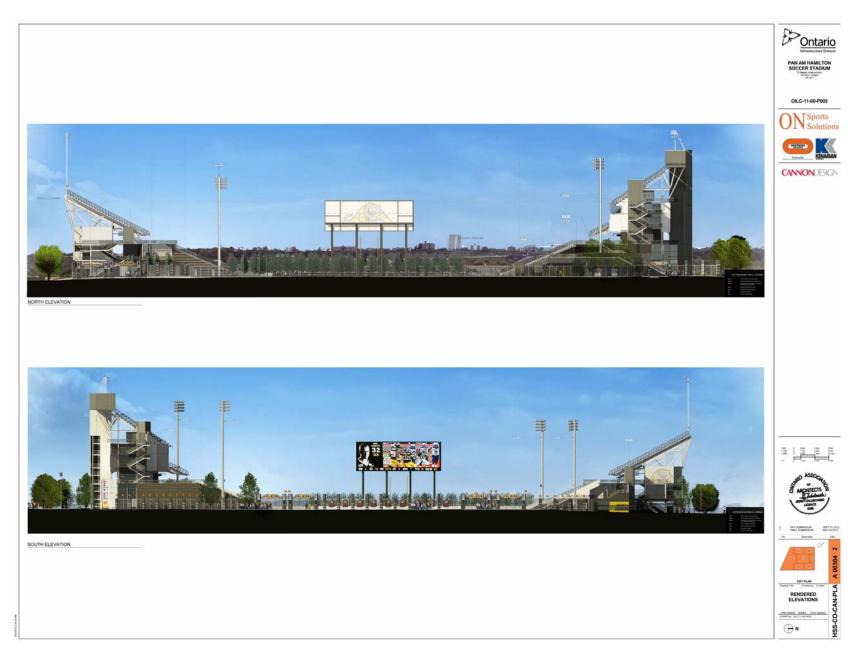
maneuverability for other drivers and pedestrians in this parking area. Staff note Policy B.3.3.4 of the City of Hamilton Official Plan states "Council will require that, in normal circumstances, a high standard will be maintained in accordance with current design practices for parking and loading facilities." As such, the variance does not meet the intent of the Official Plan and Zoning By-law since the proposed parking stall length does not provide adequate length to accurately park a vehicle within the defined area of the parking space. Staff is of the opinion that the variance is not minor since the reduction in parking stall length will negatively impact the ability to park a vehicle resulting in safety impacts due to reduced visibility and maneuvering area for other vehicles and pedestrians within the parking area. The variance is therefore not appropriate for the development of the subject lands. Staff is of the opinion that a design solution is feasible through a redesign of the Balsam Avenue parking area which would result in parking space sizes that would comply with the requirements of the Zoning By-law. Staff note that the applicant has been made aware that staff cannot support the variance and the applicant will be amending the proposal. Accordingly, staff do not support the variance.

Variance 6

The general intent and purpose of the by-law is to ensure that parking spaces provide a minimum width and length to ensure adequate space for barrier-free vehicular parking. The applicant is proposing a barrier free parking space width of 3.9 metres whereas the by-law requires a minimum width of 4.4 metres. The increased width required for a barrier free parking space is to allow increased maneuvering space for the disabled and to accommodate loading and unloading of wheelchairs and other accessibility devices. The variance does not meet the intent of the Official Plan and Zoning By-law since the proposed barrier free parking stall width does not provide adequate space for an accessible vehicle to park, nor increased maneuvering space for those with disabilities. Staff is of the opinion that the variance is not minor since the reduction in width will have a negative impact on those with disabilities who require increased maneuvering space for the variance is not appropriate for the development of the subject lands. Staff note that the applicant has been made aware that staff cannot support the variance and the applicant will be amending the proposal. Accordingly, staff do not support the variance.

Based on the foregoing, Variances 1 and 2 are considered to be minor in nature, are desirable for the appropriate use of the lands, and maintain the general intent and purpose of the Official Plan and Zoning By-law. Variances 3 and 4 are no longer required. Lastly, Variances 5 and 6 are not considered to be minor in nature, nor desirable for the appropriate use of the lands, and do not maintain the general intent and purpose of the Official Plan and Zoning By-law. Accordingly, staff support the application in part.





Appendix "D" to Report PED12218 (Page 2 of 2)



Appendix "E" to Report PED12218 (Page 1 of 1)