



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 3, 2014
SUBJECT/REPORT NO:	Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 620 South Service Road (Stoney Creek) (PED14110) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Joe Muto (905) 546-2424 Ext. 7859
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning Application ZAR-13-052, by 610 South Service Road Inc., Owner**, for a change in zoning to Hamilton By-law No. 05-200 from the Prestige Industrial (M3, 439) Zone, Modified, to the existing site-specific Prestige Industrial (M3, 434) Zone, Modified, to add additional parking for the existing arena, for the lands located at 620 South Service Road, Stoney Creek, as shown on Appendix "A", on the following basis:

- a) That the draft By-law, attached as Appendix "B" to Report PED14110, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- b) That the change in zoning conforms to the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is to amend Hamilton Zoning By-law No. 05-200 in order to permit additional parking on the recently consolidated lands at the west side of the intersection of Fruitland Road and South Service Road, to serve the abutting Gateway Ice Centre (see Appendix "A"). A concept plan of the proposed parking lot has been submitted (see Appendix "C").

The Committee of Adjustment, at their meeting of November 7, 2013, approved the severance of the subject lands at the rear of 620 South Service Road. As conditions of

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consent, the lands were to be merged with the Gateway Ice Centre lands at 610 South Service Road as well as rezoned (see Appendix "D").

The proposal has merit and can be supported since it is consistent with the Provincial Policy Statement, and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and the Urban Hamilton Official Plan. In addition, it fulfils a condition of the decision of the Committee of Adjustment.

Alternatives for Consideration - See Page 11.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal:

The applicant has applied for a change in zoning on the property at 620 South Service Road from the Prestige Business Park (M3, 439) Zone, Modified, to the existing Prestige Business Park (M3, 434) Zone, Modified, in Hamilton Zoning By-law No. 05-200, in order to permit additional parking spaces in conjunction with the existing Gateway Ice Centre.

Chronology:

November 7, 2013: Committee of Adjustment: Notice of Decision, Approved Application No. SC/B-13:73 to permit the conveyance of a parcel of land with a frontage of approximately 38.4 m., and an area of approximately 2767.02 sq. m., to be merged on title with the property municipally known as 610 South Service Road for industrial purposes, and to retain a parcel of land with a frontage of approximately of 130 m. and an area of approximately 6125 sq. m.

December 9, 2013: Submission of Application ZAR-13-052 by 1823474 Ontario Inc.

December 12, 2013: Application ZAR-13-052 is deemed complete.

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December 17, 2013: Circulation of Notice of Complete Application and Preliminary Circulation to 15 property owners within 120 m. of the subject lands.

December 31, 2013: Public Notice Sign erected on property.

May 9, 2014: Public Notice Sign updated to reflect Public Meeting date.

May 16, 2014: Notice of Public Meeting is mailed to all residents within 120 m. of the subject lands.

Details of Submitted Application:

Location: 620 South Service Road (Stoney Creek)

Owner: 610 South Service Road Inc.

Agent: Murray Mazza, Barrister and Solicitor

Property Description: Area: 8945.4 sq. m.
Frontage: 64.07 m.
Depth: 78 m. (west property line)

Existing Land Use And Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant/Hydro One Corridor Easement	Prestige Business Park (M3, 439) Zone, Modified
<u>Surrounding Lands:</u>		
North	Motor Vehicle Service Station	Prestige Business Park (M3, 439) Zone, Modified
South	Canadian National Railway Corridor	Prestige Business Park (M3) Zone
East	Fruitland Road/Vacant	Prestige Business Park (M3, 399) Zone
West	Gateway Ice Centre	Prestige Business Park (M3, 434) Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

On April 30, 2014, the revised Provincial Policy Statement (PPS) took effect for all decision-making on planning applications in the Province. The proposed application has been reviewed against these policies. The PPS provides policy direction on employment areas. The PPS identifies that healthy, liveable communities are sustained by accommodating an appropriate range and mix of uses, including but not limited to, employment, which includes industrial and institutional uses, Policy 1.3.1(a). The application is consistent with this Policy since it promotes economic development and competitiveness in an Employment Area by contributing to an appropriate mix and range of employment to meet long-term needs. The proposal also implements Policy 1.3.1(b), as the Gateway Ice Centre is an associated ancillary use adjacent to other associated ancillary commercial uses in close proximity to a major highway interchange. Based on the foregoing, the proposal is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe (Places to Grow):

The subject lands are to assist in the accommodation of the future expansion of Gateway Ice Centre, an expansion that further promotes employment as well as economic growth. Policy 2.2.6.9 encourages municipalities to designate and preserve lands within settlement areas in the vicinity of existing major highway interchanges, rail yards, and airports, for manufacturing, warehousing, and associated retail, office, and ancillary facilities, where appropriate. The location of the existing Centre and proposed parking expansion are in close proximity to the Queen Elizabeth Way (QEW), backs onto the CN Railway and Hydro One corridors, and is strategically placed in an employment area as encouraged through Places to Grow. The provision for additional parking for the existing Centre improves the viability, traffic flow, and safety, which also facilitates future redevelopment or growth in the business park. Based on the foregoing, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP):

The proposal has been evaluated against the policies of the new UHOP. The Ontario Municipal Board approved the UHOP, in part, on August 16, 2013, with the "Employment" policies approved on February 21, 2014.

The subject property is designated "Employment Areas" on Schedule 'E' – Urban Structure and "Business Park" on Schedule 'E-1' – Urban Land Use Designations. The designation permits uses such as manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication

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establishment, and private power generation. The existing Centre was established prior to the UHOP coming into force and effect.

The following policies, among others in the UHOP, are applicable to the subject lands:

- “2.7.2 Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and development uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.
- 2.7.3 Employment Areas shall provide for a diverse range of employment opportunities in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and market requirements for businesses including regionally significant industries.
- 2.7.8 Employment Areas shall be designed to improve the aesthetics from the public realm. Lands facing the QEW and service roads and at intersections of the QEW shall be designed such that the placement of buildings, accesses, and landscaping enhance the entrances and image of the City.
- 5.2.4 Uses permitted in the Employment Area designations shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, *building or contracting supply establishment*, tradesperson’s shop, warehousing, *waste management facilities*, private power generation, office, and *accessory* uses. *Ancillary* uses which primarily support businesses and employees within the Employment Area shall also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.
- 5.4.3 The following uses shall be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:
- c) *ancillary* uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;

5.4.4 *Ancillary* uses which serve the businesses and employees of the business park as described in Policy E.5.4.3 c), shall only be permitted at locations fronting arterial roads or collector roads into the business parks.”

The “Employment Areas” designation is based on Interpretation Policy E.2.7, which states that employment areas are the primary employment generators in the City and the location of diverse areas of employment. These employment areas range from the historic, heavy industrial and port employment areas to planned business parks.

Employment Areas shall provide employment through a broad range of uses. According to Policy 2.7.3, a diverse range of employment opportunities shall be provided in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. The location of the existing Centre and proposed parking are situated in such an area accessible by most forms of transport. The location of the designated “Employment Areas” is also big enough to support the Commercial Recreation use, intended to cater to the traveling or drive-by consumer, while maintaining itself as a source of employment.

According to Policy 2.7.8, “Employment Areas” shall be designed to improve the aesthetics from the public realm. Lands facing the QEW and service roads and at intersections of the QEW shall be designed such that the placement of buildings, accesses, and landscaping, enhance the entrances and image of the City. The Gateway Ice Centre essentially functions as a gateway node to the City of Hamilton from the QEW as it welcomes a wide range of people from different municipalities to use the recreational facility. It is designed to enhance the entrance and image of the City with its welcoming accesses, sufficient parking and enhanced landscaping.

Finally, in accordance with Policies E.5.2.4, E.5.4.3 and E.5.4.4, the Gateway Ice Centre, with associated parking, is considered an ancillary use which supports the businesses and employees of the business park, and has frontage on a minor arterial road.

The proposal ensures that a sufficient amount of parking is provided to the existing Centre, as established through the parking standards of Zoning By-law No. 05-200 for a Commercial Recreation use, and will complement the scale, design, and character, while maintaining continuity and harmony with future adjacent employment development in the area. Therefore, the proposal conforms to the UHOP.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation
- Forestry and Horticulture

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- Public Works: Waste Collection
- Water Servicing

Hydro One was circulated the application, given that the proposed parking area contains a Hydro One Corridor easement. While comments were not received on this application, Hydro One did provide comments on the consent application and indicated that they had no objection in principle, provided their easement rights on the property were protected and maintained. During the review of the Gateway Ice Centre Site Plan Control application, they advised that the applicant/owner is required to contact Hydro One to begin the process of acquiring or modifying an encroachment agreement and further advise that:

1. Any development in conjunction with the proposed site plan must not block vehicular access to any of the Hydro One facilities located on the right-of-way. During construction, there will be no storage of material or mounding of earth, snow or other debris, on the right-of-way.
2. Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted to Hydro One for review and approval.
3. The costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this site plan would be borne by the developer.
4. The easement rights of Hydro One and its legal predecessors are to be protected and maintained at all times.
5. Some noise from the existing Transformer Station may interfere with the proposed development/site. Should the applicant/owner do a noise test, and should the City or other governing body require any type of noise attenuation infrastructure (i.e. berms, sound walls, etc.), the costs involved will be the sole responsibility of the applicant/owner. Hydro One will not be responsible for any costs involved.
6. They also provide that the transmission lines abutting this development operate at either 500,000, 250,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 m. (20 ft.) to the energized 500 kV conductor. The distance for a 230 kV conductor is 4.5 m. (15 ft.), and for 115 kV conductors it is 3 m. (10 ft.). It is the applicant/owner's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand place on the line.

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In principle, Hydro One did not object to the proposed consent to accommodate the parking lot expansion. With respect to the detailed design, Hydro One will be circulated at the Site Plan Control stage so they can assess grading and stormwater related issues.

Canadian National Railway (CN Rail) has advised that a 1.83 m. chain link security fence be put between the proposed use and the abutting rail line because the subject site is immediately adjacent to the rail line, however is a commercial use with no sensitive use component. Furthermore, it must be ensured that there will be no adverse impacts to the existing drainage pattern on the railway right-of-way. These conditions are similar to those imposed with the previous Site Plan Control application. The proposed parking lot expansion will be subject to further review at the Site Plan Control application in order to address grading and stormwater runoff.

Ontario Ministry of Transportation (MTO) has advised that as the site is within the Ministry's permit control area, the applicant should be made aware that at the Site Plan Control Stage, MTO will require the following:

- Site Plan (1:500) 3 copies;
- Site Servicing/Grading Plans 3 copies;
- Storm Water Management Report 2 copies; and,
- Provide a Traffic Impact Study Addendum to the "Stoney Creek Hockey Arena" 610 South Service Road TIS (revised April 19, 2012), and an Illumination Plan.

Furthermore, MTO has stated that vital facilities i.e. Fire routes, drive-thru lanes, required parking, retaining walls, utilities, underground parking, etc., must be located beyond the 14.0 m. setback measured from the south property limit of South Service Road. As mentioned, Site Plan Control will be required to develop the parking area addition; the MTO will be circulated at that time to address their concerns raised.

Public Works - Strategic Planning Division has advised that all proposed buildings and other structures (including awnings, eaves and canopies), landscaping, fences, etc., must be constructed within the legal boundaries of the private property. It is incumbent on the applicant to determine the property lines. Any encroachments existing as of today's date that are not permitted under an Encroachment Agreement must be removed. Alternatively, the applicant may choose to apply to have the existing encroachments legitimized, by applying for an Encroachment Agreement under the Policy. This will be further addressed through the Site Plan Control Stage.

Public Works - Corridor Management has a few minor detailed technical recommendations which will be reviewed further at the Site Plan Control Stage. Corridor Management has advised to remove spaces at the north end of the new parking area, and provide another aisle that will allow for continuous traffic circulation

and improve on-site manoeuvring. Detailed review of the proposed parking layout will occur at the Site Plan Control Stage.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 15 property owners within 120 m. of the subject lands on December 24, 2014. To date, no letters have been submitted by the public. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2014) and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe).
 - (ii) It conforms to the policies of the Urban Hamilton Official Plan.
 - (iii) The proposed development is compatible with the existing land uses in the immediate area.
2. Growth Management has advised that the applicant will be required to provide addendums to the stormwater design report previously approved by the Ministry of Transportation and the City, as a condition of future Site Plan Control approval.
3. In regards to Archaeology, the subject property meets 3 of the 10 criteria used by the City of Hamilton and Ministry of Tourism and Culture, for determining archaeological potential, being:
 - (i) Within 300 m. of a primary watercourse or permanent, 200 m. of a secondary watercourse or seasonal water body, or 300 m. of a prehistoric watercourse or permanent water body;
 - (ii) In an area of sandy soil in areas of clay or stone; and,
 - (iii) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement, apply to the subject application.

Furthermore, it is noted that a Stage 1-2 archaeological report (P040-312-2010) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport, and the Provincial interest was signed off by the Ministry in a letter dated June 27, 2011. The consultant recommended that no further archaeological work is required on site, and that the study area be considered free of further archaeological concerns. Planning staff concur with the recommendations made in the report, and the municipal interest in archaeology has been met. There are no further concerns with respect to archaeology.

4. “Employment Areas” are the primary employment generators in the City and the location of diverse areas of employment. These employment areas range from the historic, heavy industrial and port employment areas, to planned business parks.

The proposed parking lot expansion for the existing Gateway Ice Centre promotes economic development and competitiveness, by contributing to the employment area for an appropriate range and mix of employment to meet long-term needs, and to provide opportunities for a diversified economic base with suitable sites for employment uses. In addition, in the short term, it provides construction jobs for development of the parking lot expansion.

Retail establishments are required in the Business Park Designation in order to serve businesses and employees within the area. The Centre will contribute to the success of retail establishments that originally act as ancillary uses to the business park because of the large influx of people to events at the Centre. The purpose of an “Employment Area” is to have a competitive market that invites all sorts of people into the City. The proposal assists in achieving this.

The Gateway Ice Centre provides employment opportunities in the long term and short term. The existing facility is a destination node, as people from Southern Ontario and the United States and abroad, will come together for tournaments. Hamilton is acknowledged as a primary location for sports, especially for ice sports. This contributes to further growth as other permitted ancillary uses such as hotels, convention centres, restaurants, or motor vehicle service stations, compete to develop in the Business Park. As a potential node for the Business Park, economic and social resources/activities shall be concentrated within that area for the benefit of the whole employment community and City abroad. As people use the site for recreational purposes, the Gateway Ice Centre facilitates cost-effective economic and community development efforts.

The proposed parking lot expansion and existing Gateway Ice Centre contributes to job creation and growth. There are employment opportunities on site with the requirements for construction, as well as facility maintenance and other staff. Furthermore, development opportunities for spin-off uses within the potential

node. The expansion provides recreation, stimulates the municipal economy, and increases the industrial tax base.

5. The property at 610 South Service Road was zoned Prestige Business Park (M3, 434) Zone in Hamilton Zoning By-law No. 05-200 on May 26, 2010, to allow Commercial Recreation as a permitted use. The lands which have been recently severed from the property at 620 South Service Road were zoned Prestige Business Park (M3, 439) Zone, which permits a car wash accessory to a Motor Vehicle Service Station. Therefore, the change in zoning is required in order to recognize additional parking for the existing Commercial Recreation use (Gateway Ice Centre). The applicant has requested one modification to eliminate the landscaping and planting strip area along the Fruitland Road frontage. Staff has reviewed this request and given the unique location, the proposed parking area is located at a higher grade from the street edge. Through the Site Plan Control process, staff will be requesting an architectural/visual barrier to ensure that the public realm is protected from adverse driving behaviour and lighting emanating from the parking facility. Further, the applicant is advised that at the Site Plan Control stage, there may be opportunity (at the owner's cost) for additional plantings within the existing boulevard. For these reasons, staff are supportive of this modification.

The existing Gateway Ice Centre received final Site Plan approval on June 1, 2012, (File Number DA-12-011). The gross floor area (GFA) of the existing Centre is 10,261.67 sq. m., with a current total of 344 parking spaces. The proposed parking lot expansion will permit an additional 93 parking spaces for a new total of 435 parking spaces for the Gateway Ice Centre. Staff are of the opinion that the proposed additional parking is critical for the existing facility.

The applicant has advised that future redevelopment of the existing Ice Centre may expand to a fourth ice rink. Staff advise that any future expansion or redevelopment including grading works, will be subject to a future Site Plan Control application. In this regard, and more specifically with the proposal of expansion for a fourth ice rink, staff further advise that the applicant will be required to provide a detailed parking analysis prepared by a professional traffic consultant, with any future Site Plan Control application submission involving the proposed expansion of the Centre.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands could be developed under the current Prestige Business Park (M3, 439) Zone provisions.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Conceptual Plan
- Appendix “D”: Committee of Adjustment Decision SC/B-13:73

:JM