



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 11, 2015
<b>SUBJECT/REPORT NO:</b>	Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 82 Parkside Drive, Flamborough (ZAR-15-012) (PED15100) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Delia McPhail Planner (905) 546-2424 Ext. 6663  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Amended Zoning Application ZAR-15-012 by 1707536 Ontario Inc., Owner**, for a modification to the Prestige Business Park (M3) Zone, to permit a motor vehicle washing establishment with accessory vacuum and pet washing bays, on lands located at 82 Parkside Drive, Flamborough, as shown on Appendix "A" to Report PED15100, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED15100, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the Amending By-law, attached as Appendix "B" to Report PED15100, be added to Map No. 515 of Zoning By-law No. 05-200; and,
- (c) That the proposal is consistent with the Provincial Policy Statement, it conforms to the Growth Plan for the Greater Golden Horseshoe, and it complies with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The Owner of the subject lands proposes to redevelop the subject lands for a car wash facility, including automatic car wash and manual car washing facilities, as well as accessory self-serve vacuum and pet washing bays. In order to implement the proposed uses, site specific modifications to the Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200 are required, including the addition of said uses to the list of permitted uses in the Zone, a reduction in minimum lot area to recognize the existing lot of record, and a reduction in parking requirements for the proposed uses.

Staff has amended the application to provide five parking spaces, instead of the seven parking spaces identified on the submitted Concept Plan, as shown in Appendix “C” to Report PED15100. An “H” Holding Provision has been applied to the subject lands to require the owner to apply for and receive final Site Plan approval for the subject lands. As a condition of Site Plan approval, the owner will be required to pay all costs associated with the extension and private connections to the sanitary sewer along Parkside Drive, as well as their proportionate share of the costs for the installation and connection of the storm sewer along Parkside Drive.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement (PPS), it conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan (UHOP).

***Alternatives for Consideration – See Page 17***

## **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 owner of the subject property proposes to establish a motor vehicle car washing business on the subject lands. The proposal includes an automatic car washing facility (31 m long tunnel car wash), six manual car washing bays, as well as four motor vehicle vacuuming stations, and three pet washing bays as accessory to the principal use. The submitted Concept Plan, attached as Appendix “C” to Report PED15100, identifies seven parking spaces and 22 stacking spaces for the proposed uses. The pet washing

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bays included in the proposal are intended for the private use of pet owners and are not to be construed as a grooming establishment. The removal of the existing single detached dwelling and private trees will be required to facilitate the proposed Concept Plan, as shown on Appendix "C" to Report PED15100.

**Chronology:**

<u>June 18, 2014:</u>	Formal Consultation Application (FC-14-048) was considered by the Development Review Committee.
<u>December 23, 2014:</u>	Application to amend the Zoning By-law was received (ZAR-15-012).
<u>January 20, 2015:</u>	Application deemed complete.
<u>February 4, 2015:</u>	Application circulated to internal departments and external agencies.
<u>February 12, 2015:</u>	Notice of Complete Application and Preliminary Circulation sent to 53 landowners within 120 m of the subject lands.
<u>February 13, 2015:</u>	Public Notice Sign posted on the property.
<u>April 28, 2015:</u>	Applicant was advised that a revised Concept Plan was required to address enhanced landscape and building facades to meet the Urban Design and Employment Policies of the Official Plan. Revised Concept Plan received May 29, 2015.
<u>July 15, 2015:</u>	Public Notice sign was updated to reflect Planning Committee date.
<u>July 24, 2015:</u>	Notice of Public Meeting given in accordance with the <i>Planning Act</i> .

**Details of Submitted Application:**

<b><u>Location:</u></b>	82 Parkside Drive (Flamborough)
<b><u>Owner/Applicant:</u></b>	1707536 Ontario Inc. (c/o Melanie Sands)
<b><u>Agent:</u></b>	GSP Group Inc. (c/o Sarah Knoll)

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**Property Description:**     **Lot Area:**        0.35 ha

**Lot Frontage:**   61 m

**Lot Depth:**        58.8 m

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Single Detached Dwelling, Accessory Shed	Prestige Business Park (M3) Zone

**Surrounding Land Uses:**

<b>North</b>	Vacant, Pipeline	Prestige Business Park (M3, 437) Zone, Modified
<b>South</b>	Vacant	Prestige Business Park (M3) Zone
<b>East</b>	Vacant	Prestige Business Park (M3) Zone
<b>West</b>	Agriculture	Agricultural "A" Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with those policies that promote efficient development and land use patterns, including Policy 1.1.1, which states that:

"1.1.1        Healthy, liveable, and safe communities are sustained by:

- (a)    Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- (b)    Avoiding development and land use patterns, which may cause environmental or public health and safety concerns."

Policy 1.2.6.1 requires that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse impacts, such as noise. Since the proposal, includes stationary noise sources, that have the potential to affect the surrounding residential neighbourhood beyond the lands to the east of the subject lands, and the closest residential house to the west along Parkside Drive, the Applicant submitted a noise study, which assessed the potential noise impacts from the proposed car wash facility at the worst-case scenario, and concluded that all forecast noise levels would be within the Ministry of Environment and Climate Change's NPC-300 guideline limits. Based on the report's findings, no additional mitigation or operational restrictions would be required, satisfying Policy 1.2.6.1.

The provincial interest in employment areas is identified through the policies contained in Section 1.3 of the PPS, and the following general policies apply to the subject application.

- “1.3.1 Planning authorities shall promote economic development and competitiveness by:
- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
  - d) ensuring the necessary *infrastructure* is provided to support current and projected needs.”

The proposed motor vehicle washing establishment and accessory uses are considered to be ancillary to the uses within the employment area, and the proposed development will be connected to the planned infrastructure improvements along Parkside Drive, in keeping with Policy 1.3.1, above. Furthermore, the proposal seeks to add the uses and to retain all other employment uses within the Prestige Business Park (M3) Zones, so the use of the lands will continue to be for employment purposes.

Concerning cultural heritage and archaeology, Policy 2.6.2 provides:

- "2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*"

The subject lands met two of the ten criteria used by the City of Hamilton and the Ministry of Tourism, Culture and Sport for determining archaeological potential, including being located within 250 m of known archaeological sites and along historic transportation routes. As a result, the Applicant submitted a Stage 1 and 2 Archaeological Assessment, which included a 5 m test pit survey of the entire property. The assessment found that no archaeological resources were recovered during the

course of the investigation, and concluded that no further archaeological assessments are required. Although the Ministry of Tourism, Culture and Sport staff have yet to provide a clearance letter regarding the Stage 1 and 2 Archaeological Assessment, staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met, in keeping with Policy 2.6.2, above.

Based on the foregoing, the proposal is consistent with the policies of the PPS.

### **Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The subject lands are located in the built-up area, as defined. Staff consider the application to be in conformity with the policies that direct municipalities to maintain an adequate supply of employment lands and promote economic development and competitiveness, as per the Policies contained in Section 2.2.6 – Employment Lands. Consistent with the PPS, the Places to Grow Plan acknowledges the inclusion of associated ancillary and supportive facilities within employment areas.

As a result, the proposal conforms to Growth Plan for the Greater Golden Horseshoe (Places to Grow).

### **Urban Hamilton Official Plan (UHOP)**

The proposal has been evaluated against the policies of the UHOP. The following UHOP policies, amongst others, are applicable to the subject application for a Zoning By-law Amendment.

The subject lands are identified as “Employment Area” on Schedule “E” and are designated “Business Park” on Schedule “E-1”. The policies within Section E.2.7 affirm that Employment Areas, such as Business Parks, are the primary generators of employment opportunities.

#### **Employment Area**

“E.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.”

The proposed motor vehicle car washing establishment, with accessory vacuum and pet washing bays, support the employees within the Business Park and surrounding population.

Within Chapter B.3.1 Strong Economy, Policy 3.2.1 a) directs the City to protect the supply of Employment Areas for employment uses and to minimize the establishment of non-employment land uses.

“B.3.1.2 The City shall:

- a) protect the supply of Employment Areas, as designated on Schedule E-1 – Urban Land Use Designations, for employment uses by minimizing the establishment of non-employment lands uses, in accordance with the policies of this Plan;
- b) increase the supply of shovel ready employment lands through various initiatives; and,
- d) endeavour to provide for and plan for a range of lot sizes throughout the designated employment lands.”

Recognizing that the lands are shovel ready, the proposal includes the development of uses that are supportive to the future employment uses, while providing an opportunity for the continued protection of the Employment Area, in keeping with the above policies.

Within Section E.5.0 Employment Area Designations, the following goals are applicable to the subject application.

- “E.5.1.2 Maintain an adequate supply of zoned and serviced employment lands of varying parcel sizes in various locations to meet the City’s projected employment growth forecast and to promote economic development and competitiveness.
- E.5.1.4 Protect lands designated Employment Area from non-employment uses and to support the employment functions of the City’s Downtown, nodes and corridors. New *major retail* uses shall be prohibited and office uses shall be restricted in function and scale.
- E.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.”

The subject lands are an existing lot of record, which is a size that is less than the Prestige Business Park (M3) Zone requires. However, Policy E.5.1.2 recognizes that there will be parcels of varying sizes to support employment uses, and staff is of the opinion, that the lot area is a size that is appropriate for the proposed use. By adding the proposed uses to the list of permitted uses within the Prestige Business Park (M3) Zone, the proposal will ensure that the lands will continue to be used for employment purposes (ancillary uses), as provided in Policy E.5.1.4. Finally, Policy E.5.2.4 is upheld since the proposed uses on the subject lands are considered to be uses that support the employees within the Business Park, as further analysed in the following policy review.

The following is the list of permitted uses within Business Parks:

“E.5.4.3 The following uses shall be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:

- a) manufacturing, warehousing, repair service, *building or contracting supply establishments*, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;
- b) uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
- 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;
- d) *waste processing facilities* and *waste transfer facilities*; and,
- e) *accessory* uses, such as limited retail and office.”

As identified in Policy E.5.4.3 c), above, motor vehicle service stations and washing are identified as a permitted use (ancillary uses) within the Business Park designation. Therefore the proposed uses are permitted.



“E.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 subject lands are located on Parkside Drive, which is identified as a Minor Arterial Road on Schedule “C” - Functional Road Classification, providing an appropriate location for the proposed ancillary uses, in keeping with Policy E.5.4.4.

#### Servicing

The General Provisions for Employment Areas include:

“E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Business Park, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations:

- g) *New development*, including expansion to existing *development*, shall be planned with regard to existing and planned transportation and servicing infrastructure.”

Although wastewater services are not currently available to service the subject lands, the proposal includes the connection to the stormwater and wastewater facilities that are scheduled to be constructed along Parkside Drive in Q3 / 2015, in keeping with the above policy. Therefore, staff have included an “H” Holding Provision to the draft By-law to secure the connections.

#### Noise

In order to address the introduction of the proposed use, in proximity to the existing residential subdivisions to the east, and the existing dwelling to the northwest, the Applicant submitted a Noise Study to address the anticipated noise impacts, and appropriate mitigation techniques, as directed by the policies found in Section B.3.6.3.

“B.3.6.3.3 Where feasible, and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration, be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, and zoning by-law amendments.”

Following an assessment of the stationary noise sources, the sensitive land uses in the vicinity of the subject lands, and the specific site conditions, the noise study concluded that no additional mitigation or operational restrictions will be required for the proposed development.

### Urban Design

In terms of design, the Urban Hamilton Official Plan emphasizes that new development should incorporate good quality architectural design and landscape design, as provided in Policies E.5.2.7.1 and E.5.4.7, below. Significant emphasis is given to the importance of enhanced design within the Business Parks, particularly along arterial roads.

“E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Business Park, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations:

- a) New *development* within Employment Area designations shall enhance the quality of the public realm along all public roads within and bounding business parks, along the Queen Elizabeth Way, the non-elevated portions of Burlington Street East and public roads between lands designated Employment Area and lands designated Neighbourhoods or Institutional within older industrial areas. The design and placement of buildings, structures, parking, loading, outside storage and assembly areas, lighting and landscaping, shall provide a safe, functional and visually attractive environment for pedestrians and vehicles.

E.5.4.7 The following policies shall apply to the lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:

- a) New development and redevelopment of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites; and,
- b) Outdoor storage and assembly areas, loading areas, and larger parking areas shall generally be located at the sides or rear of buildings, away from public roads, and shall be screened from view of the roads and adjacent properties, with appropriate landscaping or fencing.”

The Concept Plan submitted by the Applicant (Appendix “C” to Report PED15100) is a revised submission from the original. The revised Concept Plan provides for the required landscape area and planting strips of the Prestige Business Park (M3) Zone. The proposed buildings and landscaping have been appropriately situated and designed to screen the drive through stacking area from the view of Parkside Drive. In keeping with the above policies, it is expected that high quality and variety of building materials will be incorporated into the proposed building facades, including changes in

colour and plane. Based on the foregoing, a more detailed review of the proposed landscaping, as well as the architectural review of elevation drawings will occur through Site Plan Control, which has been identified as a requirement for the removal of the “H” Holding Provision.

### Archaeology

The Cultural Heritage policies found within Chapter B, Section 3.4.2, seek to preserve archaeological resources within the City.

“B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
- d) Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential.
- g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.”

In accordance with the Policy B.3.4.2.1 above, the Applicant submitted a Stage 1 and 2 Archaeological Assessment, since the subject property met two of the ten criteria used by the City of Hamilton and the Ministry of Tourism, Culture and Sport for determining archaeological potential. Staff accepted the report, which concluded that there were no archaeological resources found on the property. Therefore, Policy B.3.4.2.1 has been satisfied.

Based on the foregoing policy analysis, concerning the orderly development and efficient use of Employment Lands, the proposal is in keeping with the general intent of the UHOP.

### **Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned Prestige Business Park (M3) Zone, and further modifications to the Zone would be required to implement the proposed development, including the addition of the proposed uses to the list of uses permitted within the zone, a reduction to the minimum lot area, and minimum parking requirements. These are further discussed in the Analysis and Rationale for Recommendation Section of the Report.

## **RELEVANT CONSULTATION**

### **No Concerns / Comments**

- Horizon Utilities;
- Hamilton Municipal Parking System, Planning and Economic Development Department
- Traffic Engineering and Operations Section, Public Works Department;
- Operations and Waste Management, Public Works Department;
- Source Protection Planning, Public Works Department; and,
- Recreation Division, Community and Emergency Services Department.

### **Forestry and Horticulture Section (Public Works Department)**

The Tree Management Plan, which was submitted with the subject application, has been accepted by staff. Through the Site Plan Control process, Forestry staff will review and approve the installation of street trees and the required Landscape Plan.

### **Hamilton Conservation Authority**

Hamilton Conservation Authority staff acknowledge that the proposed development will be serviced by municipal piped water, sanitary and storm sewers, which will outlet to Borer's Creek. Therefore, the proposed development will require enhanced (Level 1) quality control. Furthermore, since the proposed motor vehicle washing facility has the potential to produce a significant volume of sediment and hydrocarbons, the Hamilton Conservation Authority will require the submission of a stormwater management design, as part of Site Plan Control. Only mechanical control means will be utilized in the stormwater management for the site. Additional details confirming how stormwater will be diverted from the site must provide assurances that there will be no uncontrolled run-off to the downstream watercourse.

### **Hamilton Municipal Parking System (Planning and Economic Development Department)**

Hamilton Municipal Parking System staff reviewed the Planning Justification Report submitted by the Applicant, and accepts the application, as amended by staff, for the provision of five parking spaces for the proposed uses.

### **Ministry of Environment and Climate Change**

The Ministry of Environment and Climate Change (MOECC) identified that the majority of complaints regarding car wash facilities is the mismanagement of sludge / sand that accumulates from the washing process. The proposed car wash will not require registration with the Hazardous Waste Information Network (HWIN), provided they have

a service agreement with an Approved carrier for the disposal of wastes, and that they follow the Ministry's document "Procedures for the Handling and Disposal of Selected Wastes from Retail Motor Vehicle Servicing Facilities".

### **Public Consultation**

In accordance with the provisions of the *Planning Act*, and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 19 property owners within 120 m. of the subject lands on February 12, 2015, and a Public Notice sign was placed on the property on February 13, 2015. One letter of concern was made in response to the preliminary notice of circulation, which was submitted by the owner of a residential property to the east. The correspondence indicated that, according to the submitted noise study, the sound level will be at, or just below, the maximum allowed by the MOECC noise guidelines, and that the headlights of vehicles in the stacking lanes will be directed to their rear yard. Notwithstanding the fact that the noise study did not require any noise attenuation, the landowner is willing to consider enhanced landscaping, including year-round screening through appropriate plantings, to provide a buffer between the proposed development and residential properties to the east, in order to address the concerns raised by the resident.

Notice of the Public Meeting was given in accordance with the requirements 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 PPS, and it conforms to the Growth Plan for the Greater Golden Horseshoe, and it complies with the Urban Hamilton Official Plan;
  - ii) The proposed uses are appropriately located within the Business Park; and,
  - iii) The proposed uses will be supportive of, and complementary to, the employment uses within the surrounding business park and local neighbourhood.
2. The subject lands are located on the south side of Parkside Drive between Highway 6 and Hollybush Drive, within the Flamborough Business Park. With the exception of the subject lands, which contains an existing single detached building, accessory buildings and structures, the abutting lands are vacant industrial land. Lands beyond the Imperial Oil Pipeline, further to the east, were developed for residential uses as part of the "Belmont – Phase 3" Subdivision",

Registered Plan 62M-740. The lands on the north side of Parkside Drive, immediately across from the subject property, are subject to the policies of the Greenbelt Plan and the Rural Hamilton Official Plan and form part of a farming operation.

3. The subject lands are zoned Prestige Business Park (M3) Zone under Hamilton Zoning By-law No. 05-200, and in order to implement the Concept Plan, attached as Appendix "C" to Report PED15100, the following modifications are required.

#### Permitted Uses

Although the proposed motor vehicle washing establishment is not permitted as a stand-alone use within the Prestige Business Park (M3) Zone, it is recognized as an accessory use to a motor vehicle service station, which is permitted in the Research and Development (M1) Zone, the Prestige Business Park (M3) Zone, the Business Park Support (M4) Zone, and the Light Industrial (M6) Zone. Furthermore, a motor vehicle washing establishment is permitted as-of-right within other Industrial Zones, such as the General Industrial (M5) Zone, the Light Industrial (M6) Zone.

As identified in the Policy Implications and Legislated Requirements Section, above, ancillary uses that support employees within the Business Park designation, such as motor vehicle service stations and washing stations, are permitted in locations fronting arterial roads. The proposed accessory uses of vacuum and pet washing bays are a logical extension of the motor vehicle washing establishment, and are suitably sized to ensure the said uses are secondary to the principal use of the lands as a motor vehicle washing establishment. Finally, staff recognizes that the subject property is well-suited to the proposed uses, due to its size and frontage on Parkside Drive, which is classified as an arterial road. Staff further note, that through the Site Plan Control process, design enhancement to the site through landscaping will ensure that the proposed development meets the objectives of the Prestige Business Park (M3) Zone.

#### Minimum Lot Area

The purpose and intent of the By-law requirement of a Minimum Lot Area of 4,000 sq m in the Prestige Business Park (M3) Zone, is to ensure that properties are suitably-sized for the intended employment and ancillary uses permitted in that Zone. The subject lands are legally identified as Part Lot 12, Concession 3, and has a current site area of approximately 3,723 sq m. In consideration of the required 2.13 m road widening, the Applicant has requested a reduced Minimum Lot Area of 3,500 sq m. Since, staff are of the opinion that the proposed uses can be appropriately designed within the site, coupled with the fact that the

subject lands are considered an existing lot of record, the proposed reduction to the Minimum Lot Area can be supported.

#### Parking Requirements

Parking for the proposed uses is required on the basis of one parking space for every 30 sq m of gross floor area which accommodates the use. The Applicant confirmed that the Total Building Area referred to on the Concept Plan (Appendix "C" to Report PED15100) of 707.7 sq m references the total floor area of the buildings to the exterior walls. Since the Applicant has not yet prepared detailed drawings for the Site Plan Control Application for the proposed development, there may be a slight variation in the actual gross floor area. Therefore, staff has prepared the draft By-law (Appendix "B" to PED15100) to recognize a maximum gross floor area of 715 sq m for the proposed facility, which results in a minimum parking requirement of 24 parking spaces. Staff note, however, that the definition of gross floor area excludes that portion of the buildings devoted to mechanical equipment, and so the minimum parking requirement may be further reduced.

Based on the submitted Concept Plan (Appendix "C" to Report PED15100), which meets the landscape requirements of Hamilton Zoning By-law No. 05-200, the Applicant is able to provide seven parking spaces on-site, instead of the required 24 parking spaces, with two parking spaces being located in the centre of the site and demarcated by painted lines. Staff find that the nature of the proposed uses (i.e. motor vehicle car wash, accessory vacuum and pet washing bays) does not require a significant number of on-site parking spaces. Staff note that at least 13 vehicles can be accommodated in the stacking area for the automatic car wash facility, and that a minimum of nine vehicles can be accommodated in the stacking area for the manual car wash, vacuum and pet washing bays, in addition to the seven parking spaces. Staff are of the opinion that the functionality of the site is compromised by the inclusion of the said two parking spaces in the centre of the site, and are recommending that these spaces be removed. Therefore, the proposed parking would be reduced to five spaces and the draft By-law, attached as Appendix "B" to Report PED15100, requires this amount, based on the maximum gross floor area of 715 sq m for the buildings which accommodate the uses. Based on the foregoing rationale, staff is satisfied that in the interest of site functionality, the proposed parking reduction can be supported.

4. There is an existing 400 mm diameter watermain located along the frontage of the subject lands. However, there are no sanitary or storm sewers available to service the subject lands, and the Applicant had been advised by staff that the subject lands would have limited access to municipal services based on the

design established through the Municipal Class Environmental Assessment for the Parkside Drive Urbanization.

Due to the site's location within the western portion of the EA's study area, the Applicant submitted a Functional Servicing Report that proposed the private extension of the future 250 mm sanitary sewer and 1350 mm storm sewer that are to be constructed, as part of the urbanization of Parkside Drive, which is scheduled for Q3 / 2015. Since the existing topography of the subject lands is such that stormwater flows overland to private lands to the south, the Applicant proposed to raise the grades of the property, in order for the stormwater to discharge to the future outlet in the municipal right-of-way that will be paid for by the Applicant.

The property was originally intended to be serviced through future connections to the 1050 mm diameter sanitary trunk sewer adjacent to Borer's Creek. Staff have confirmed that there is adequate capacity within the sanitary sewer within the Hollybush Drive right-of-way to accommodate the projected flows from the proposed development.

Since the urbanization of Parkside Drive is scheduled to commence this Fall, staff has included the extension of the wastewater services in the construction tender, under the condition that the Applicant agrees to pay all costs associated with the sewer extensions and private connections (including time spent by the City's consultant to prepare MOECC sanitary forms), to service the subject lands. In the event that the Applicant has not provided full payment for the works by the time of construction, the contractor will abandon the works. Efforts should be made by the Applicant to coordinate construction of the subject lands with the planned reconstruction of Parkside Drive, in order to avoid road-cuts to the new roadway. The applicant has indicated they intend to meet this requirement and will submit a Site Plan Control Application to implement the proposed development concurrently with the planned road and servicing upgrades.

In order for the lands to be developed on full municipal services, an "H" Holding Provision has been added to the draft By-law, which requires the Owner to pay the costs associated with the westerly extension, and private drain connections of the sanitary sewer, as well as the proportionate share of storm mainline sewers, including private drain connections, from Sadielou Boulevard / Hollybush Drive along Parkside Drive. This will be implemented through the required Site Plan Control Application, which is also included in the draft By-law for the removal of the "H" Holding Provision.

5. The proposal will be subject to Site Plan Control, which has been added as a condition of the removal of the "H" Holding Provision in the draft By-law. Through the Site Plan Control Process, additional consideration will be given to such



matters as road widening, tree protection, landscaping, enhanced building elevations, and servicing requirements. High quality design is expected along Parkside Drive, as per the Official Plan policies, and enhanced landscaping, providing year-round screening, will address the concerns of the area resident (Appendix “D” to Report PED15100).

## **ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the Applicant may continue to use the property as a single detached dwelling, which is recognized as a legally established non-conforming use. The owner would be able to develop the property for any of the uses permitted in the Prestige Business Park (M3) Zone only, if sanitary and storm sewers are extended to service the site.

## **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**

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

### **Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Location Plan  
Appendix “B”: Draft Zoning By-law Amendment  
Appendix “C”: Concept Plan  
Appendix “D”: Public Comments

DM/mah