

HM/A-16:169

21 Warrington St., Hamilton

The purpose of this application is to permit the creation of two parcels of land via application HM/B-16:43.

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS), specifically sections 1.1-Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. Staff are of the opinion that the application is consistent with these PPS policies.

Urban Hamilton Official Plan (UHOP)

The subject property is identified as "Employment Areas" on Schedule "E" and designated "Business Park" on Schedule "E-1" in the Urban Hamilton Official Plan. The following polices apply:

E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35):

- 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.5.4.3 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) limited agricultural uses including only a medical marijuana growing and harvesting facility, a greenhouse and an aquaponics facility; (OPA 23)
- e) waste processing facilities and waste transfer facilities; and,
- f) accessory uses, such as limited retail and office.

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.
- 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.
- c) Prestige business park uses, such as offices or industrial administrative offices, shall be required to achieve higher design standards when within view of an arterial road such as Stone Church Road, Rymal Road, the Trinity Church Road Extension, Garner Road, north and south of Highway 2, and other Provincial Highways, in order to further promote and enhance the image of the business park and the City. The following criteria shall apply:
 - i) Development at these locations shall be of the highest quality design and materials within the business park.
 - ii) For developments that front, or have frontage on an arterial road, the principal façade shall incorporate windows and the main pedestrian entrance to the building. The main pedestrian entrance may be located on a collector or local road where the site configuration and building design restrict the location of the main pedestrian entrance along the arterial road.
 - iii) The façade of buildings facing expressways shall be encouraged to incorporate architectural design elements and landscaping which are attractive and emphasize a strong corporate presence.

- iv) Enhanced landscaping strips shall be required along the road frontages, and major parking areas shall be discouraged between principal buildings and roads.
- d) Building façades which are visible from arterial roads, such as Stone Church Road, Rymal Road, the Trinity Church Road Extension, Garner Road, north and south of Highway 2, other Provincial Highways, and adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use shall be finished with high quality materials, which will be determined through site plan control.

Building façades which are visible from arterial roads, such as Stone Church Road, Rymal Road, the Trinity Church Road Extension, Garner Road, north and south of Highway 2, other Provincial Highways, and adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use shall be finished with high quality materials, which will be determined through site plan control.

The subject lands are visible from the QEW and South service road and near the Centennial Parkway interchange which serves as main gateway to the City as a whole. The UHOP requires an enhanced level of landscaping and screening for properties which are visible to the QEW so as to improve the City's image for the numerous visitors to Hamilton.

Although an existing property and building, the severance of the property qualifies as redevelopment and conformity with the UHOP is to be considered and accommodated.

For the purposes of Part 1, which are the retained lands containing the exiting building and industrial use, the opportunity exists for partial conformity with the UHOP, namely the screening of the outdoor storage area. Staff are of the opinion these opportunities should be taken so as to achieve the highest level of conformity possible.

For the purposes of Part 2, which are the vacant lands to be conveyed, staff are of the opinion that the variances do not meet the intent of the UHOP. As these lands are vacant, the opportunity exists to meet the goals of the UHOP.

City of Hamilton Zoning By-law 6593

The subject property is zoned "M2" (General Business Park) and "M3" (Prestige Business Park) District in the City of Hamilton Zoning By-law, to which the use complies for the retained lands. Any new development for the conveyed lands will need to ensure the use is permitted.

Part 2 – Conveyed Lands Variances 1-4

These lands are currently vacant and intended for future development. As such, the opportunity exists to comply with the By-law. If variances are required, they should be identified and considered through the Site Plan process. Granting variances before a

development proposal would serve to prejudice the Site Plan process whereas the proposal should seek to comply with the By-law. Staff are not supportive of these variances.

Part 1 – Retained Lands

Variance 1

This variance applies to the north-western most portion of the retained lands. The location of the building and the limitations of the lot size and orientation prevent the ability to provide a landscaping strip as this would necessitate the removal of parking and access driveways. A landscape strip would essentially make the site non-functional. As such, staff are supportive of this variance.

Variance 2-3

The outdoor storage area for the retained lands is technically in a front yard due to the triangular configuration of the property. Staff are supportive of Variance 2.

Due to its proximity and visibility to the QEW, landscaping and screening are of greater importance for the subject property. Staff are supportive of variance 2 which allows outdoor storage in a front yard in conjunction with variance 3 being denied. This will have the effect of allowing the outdoor storage in this location but minimizing its impacts by screening it from view.

Staff are not supportive of variance 3.

Variance 4

There are no variances for the number of parking spaces required, and it appears there is an over-supply of parking on site, it is unclear why a barrier free space cannot be provided. Staff are not supportive of this variance.

Recommendation:

For the conveyed lands shown as Part 2:

Staff are of the opinion that the proposed variances do not meet the intent of the Urban Hamilton Official Plan and Zoning By-law, are not desirable for the appropriate development of the subject lands, and are not minor in nature. Therefore, staff recommend that the proposed variances be **Denied**.

For the retained lands shown as Part 1:

Staff are of the opinion that the proposed variances 3-4 do not meet the intent of the Urban Hamilton Official Plan and Zoning By-law, are not desirable for the appropriate

development of the subject lands, and are not minor in nature. Therefore, staff recommend that the proposed variances 3-4 be **Denied**.

Staff are of the opinion that the proposed variances 1-2 meet the intent of the Urban Hamilton Official Plan and Zoning By-law, are desirable for the appropriate development of the subject lands, and are minor in nature. Therefore, staff recommend that the proposed variances 1-2 be **Approved**.