



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-30 by Ancaster Reformed Church (Jim Bezemer, Owner)**, to redesignate a portion of the subject lands from “Institutional” to “Airport Employment Growth District” in the Urban Hamilton Official Plan, and to redesignate a portion of the lands from “Institutional, Special Policy Area B” to “Airport Prestige Business” and establish a site specific policy area to permit a funeral home in the Airport Employment Growth District Secondary Plan for a portion of lands located at 70 Garner Road East, as shown on Appendix “A” to Report PED18185, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-068 by Ancaster Reformed Church (Jim Bezemer, Owner)**, for a change in zoning from

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the Major Institutional (I3, 39, H37) Zone to the Airport Prestige Business (M11, 697, H37, H104) Zone for a portion of lands located at 70 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED18185, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The purpose of these applications is to amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for a portion of the lands located at 70 Garner Road East. By way of these applications, the applicant is seeking to establish a funeral home in conjunction with employment uses adjacent to an existing place of worship. Modifications to the Zoning By-law regarding uses, parking requirements, and requirements for visual barriers are also required to implement the proposal.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe, and comply with the Urban Hamilton Official Plan (UHOP) as amended. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 22

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 applications for Amendments to the Urban Hamilton Official Plan and to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands are located on the south side of Garner Road East with frontage on the east side of Fiddler's Green Road, south of Highway No. 403 (see Appendix "A" to Report PED18185).

The applicant proposes to develop a portion of the lands for a 1,557.63 sq m funeral home in conjunction with employment uses, being: motor vehicle service station; motor vehicle collision repair; convention centre; catering and food services; and, office, on lands adjacent to an existing place of worship. A parking area accommodating 208 spaces at the rear of the building is also proposed in support of the proposal (see Appendix "C" to Report PED18185). A future Consent Application is anticipated to sever the future funeral home from the place of worship.

Urban Hamilton Official Plan Amendment (UHOPA)

The original application was to establish a site specific policy area for a portion of the lands to add a funeral home as an accessory use to the existing place of worship. Based on review of the application by staff, the proposed UHOPA has been amended to redesignate a portion of the subject lands from "Institutional" to "Airport Employment Growth District" on Schedule E-1 - Land Use Map, and to redesignate a portion of the lands from "Institutional, Site Specific Policy - Area B" to "Airport Prestige Business", and establish a new site specific policy area on Map B.8-1 in the Airport Employment Growth District Secondary Plan to permit a funeral home as a principal use in conjunction with employment related uses.

Zoning By-law Amendment

The original application was for a change in zoning from the Major Institutional (I3, 39, H37) Zone to a modified Major Institutional (I3) Zone to permit the funeral home as an accessory use to the existing place of worship. Based on review of the application by staff, the proposed Zoning By-law Amendment Application has been amended for a change in zoning from the Major Institutional (I3, 39, H37) Zone to a site specific Airport Prestige Business (M11) Zone for a portion of the subject lands. Modifications to the (M11) Zone have been requested to add a funeral home as a permitted use that must operate in conjunction with employment related uses, to establish a site specific required parking ratio, and to modify the requirements for visual barriers.

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Chronology

- March 29, 2017: Open House held at the Ancaster Christian Reformed Church.
- September 8, 2017: Applications UHOPA-17-30 and ZAC-17-068 received.
- September 19, 2017: Applications UHOPA-17-30 and ZAC-17-068 deemed complete.
- October 3, 2017: Public Notice Sign installed on subject lands.
- October 4, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-30 and ZAC-17-068 to 43 property owners within 120 m of the subject lands.
- July 18, 2018: Public Notice Sign updated with Public Meeting Information.
- July 27, 2018: Circulation of the Notice of Public Meeting to 43 property owners within 120 m of the subject lands.

Details of Submitted Application

- Location:** 70 Garner Road East, Ancaster (see Appendix “A” to Report PED18185)
- Owner:** Ancaster Christian Reformed Church c/o Jim Bezemer
- Applicant:** Fothergill Planning & Development c/o Ed Fothergill
- Property Description:**
- Lot Frontage: 181.1 m (Garner Road East), 72.6 m (Fiddler’s Green Road)
- Lot Depth: 377.2 m
- Lot Area: 9.1 ha
- Servicing: Municipal Piped Water and Municipal Sanitary Sewer System. Existing Storm Drainage is by Ditches.

Existing Land Use and Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Ancaster Christian Reformed Church	Major Institutional (I3, 39, H37) Zone

Surrounding Land Uses

North	Single Detached Dwellings and White Brick Cemetery	Existing Residential “ER” Zone and Neighbourhood Institutional (I1) Zone
East	Single Detached Dwellings	Rural (A2) Zone
South	Agricultural farmland	Rural (A2) Zone
West	Plant Nursery, outdoor storage business, landscape contracting establishment, agricultural	Rural (A2) Zone, Agricultural (A1, 253) Zone, Rural (A2, 276) Zone and Rural (A2, 277) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply.

- “1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The applicants submitted a noise study by SS Wilson and Associates, dated August 15, 2017 in support of the applications. Staff concur with the recommendations of the noise study report indicating that at the Site Plan Control stage, a detailed Noise Impact Study will be required. The detailed study will evaluate airport noise as the lands are located within the 25 NEF Contour, as shown on Appendix “D” - Noise Exposure Forecast Contours and Primary Zoning Regulation Area of the UHOP.

“1.3.2 Employment Areas

- 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.
- 1.3.2.2 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- 1.3.2.3 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.”

The subject lands are identified as “Employment Area” on Schedule “E” - Urban Structure in the UHOP, while the current use of the subject lands is a place of worship. Further, the subject lands are located approximately 390 m from Highway No. 403 and are located within the Airport Employment Growth District, which are both considered major goods movement facilities and corridors. Uses to be permitted in conjunction with the funeral home identified by the applicant include motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering and food service, and office space. These proposed uses will be developed as an integrated development with the funeral home use to function as one comprehensive facility that will benefit from being located close to Highway No. 403 and the Hamilton Airport. By doing so, convenient access to major goods movement facilities and corridors will be provided. Since the proposal is to add the funeral home and related uses as one comprehensive development, staff are satisfied that the proposal does not result in the conversion of lands to a non-employment use. Currently, only a portion of the subject lands have access to an existing municipal watermain and sanitary sewer; no storm sewers are available to the subject lands. The applicant must demonstrate through a detailed engineering design that stormwater management can appropriately be managed on site and that the necessary infrastructure is provided to support the proposed use, as required by the proposed Holding Provisions H37 and H104.

- “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 property meets three of the ten criteria for Archaeological potential and the policies found in Subsection 2.6.2 do not permit development on land in which there is archaeological potential unless the archaeological resources have been conserved. A

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Stage 1-2 archaeological report (P018-0861-2017) for the lands was submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton. Staff concur with the recommendations made in the Report, and the archaeology condition for the subject application has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal:

- “2.2.5.1 Economic development and competitiveness in the GGH will be promoted by:
- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
 - b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- 2.2.5.6. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will designate all employment areas, including any prime employment areas, in official plans and protect them for appropriate employment uses over the long-term.
- 2.2.5.7. Municipalities will plan for all employment areas within settlement areas, with the exception of any prime employment areas, by:
- c) integrating employment areas with adjacent non-employment areas and developing vibrant, mixed-use areas and innovation hubs, where appropriate.
- 2.2.5.8. Municipalities may identify employment areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as prime employment areas and plan for their protection for appropriate employment uses over the long-term by:
- a) prohibiting residential, institutional, and other sensitive land uses;

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- b) prohibiting retail and office uses that are not associated with or ancillary to the primary employment use;”

The proposal provides for an employment use within an employment area, as shown on Schedule “E” - Urban Structure of the UHOP. The proposed development will be located on a portion of subject lands that are currently vacant and underutilized, that are located adjacent to both a place of worship and cemetery, which are complementary uses to the proposed funeral home and employment uses. Policy 2.2.5.1 has been addressed by providing additional employment opportunities, thereby increasing employment density for the area. The subject lands are also adjacent to existing residential and agricultural uses. Based on the nature of the proposed use, this proposal will be an appropriate integration with and will be complementary to the surrounding non-employment uses. The proposed uses will also ensure that the function of the lands will continue to protect for employment uses over the long term. The removal of the “Institutional” Designation on the subject lands will prohibit additional sensitive land uses on the subject lands in the future.

“4.2.6.3. Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.”

The subject lands are located directly adjacent to agricultural and related uses to the east and west. Adverse impacts (referred to as “adverse effects” in the PPS) are defined in the PPS as the following:

“means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and,
- h) Interference with normal conduct of business.”

The proposal will be located entirely within the subject lands and will not include a crematorium or other heavy industrial related uses on site. Therefore, the proposal is not anticipated to create adverse impacts on the Agricultural System as defined above.

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Based on the foregoing, the proposal complies with the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Employment Areas” on Schedule “E” - Urban Structure and designated as “Institutional” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The lands are also designated “Institutional, Site Specific Policy - Area B” in the Airport Employment Growth District Secondary Plan. The following policies, amongst others, are applicable to the subject applications.

Employment Areas

“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.

E.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.”

The proposed funeral home is intended to service a range of communities and the proposed zoning will provide for additional employment uses on site, including a motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering and food service, and office on the subject lands. These uses are intended to service Hamilton and surrounding municipalities. Accordingly, the proposal will provide for a diverse range of employment opportunities in close proximity to Highway No. 403, Highway No. 6, and the Hamilton Airport.

Institutional

“E.6.1.3 Ensure the integration and harmonious relationship between institutional areas and adjacent land use designations, particularly from a transportation and urban design perspective.

E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:

- b) religious facilities;”

As the proposal is for a funeral home in conjunction with employment uses, an amendment to redesignate the subject lands is required. Policy E.4.8.2 of the UHOP was amended by OPA No. 69, which added funeral homes as a permitted use to the Arterial Commercial designation. However, this Amendment has been appealed to the Local Planning Appeal Tribunal (LPAT, formerly the Ontario Municipal Board) and is currently not in force and effect. Policy E.4.8 of the Arterial Commercial designation provides the following direction in terms of function.

“E.4.8 Arterial Commercial Designation

The Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations.”

This proposal includes a funeral home in conjunction with several related employment uses as one comprehensive development, whose scope and scale make it appropriate for a business park designation.

Employment Area - Airport Employment Growth District

“E.5.5.1 The following uses shall be permitted on lands designated Employment Area – Airport Employment Growth District on Schedule E-1 – Urban Land Use Designations and in accordance with the Airport Employment Growth District Secondary Plan:

- a) manufacturing, warehousing, repair service, transportation terminals, research and development, high technology industry, fuel storage, communication establishments, 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) airport-related industrial uses, including airport transportation and cargo services, benefiting from proximity to airport services;
- c) airport-related business uses, including hotels and motels, convention and exposition centres, labour association halls, trade schools, restaurants, catering services, commercial motor vehicle and equipment sales, and commercial rental establishments,

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automobile rental, leasing and servicing, taxi terminals, commercial parking facilities and financial institutions;

- d) office;
- e) post-secondary school;
- f) accessory uses, such as restaurants and office; and,
- g) ancillary uses which primarily support businesses and employees within business parks, including, hotels, fitness and health facilities, financial establishments, restaurants, personal services, and gas bar, car washes commercial parking facilities.”

The proposed zoning for the funeral home will include related uses, being motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering and food services; and, and office space within one building. The addition of these uses ensures that the funeral home does not operate solely as a commercial use, but provides for a greater range of activities that are well suited to an Employment area, acting similarly to a labour association hall, automobile servicing, and office space uses that are already permitted in Employment areas. The proposed location adjacent to the existing place of worship will allow for an appropriate transition from institutional to a more business related operation. The applicant proposes to change the designation from “Institutional” to “Airport Employment Growth District” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP to support the proposal. An analysis of the Amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

Noise

“B.3.6.3.6 Development within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport.

C.4.8.10 Any permitted development, redevelopment or infill development at or above 25 NEF or within the Airport Influence Area shall be required to submit a detailed noise study, implement noise mitigative measures in accordance with provincial and federal guidelines/standards or municipal approaches that achieve the same objective, and include appropriate warning clauses in lease or rental agreements, agreements of purchase and sale, and within development agreements.

B.3.6.3.18 The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source

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or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may require proponents of such proposals to submit studies prior to or at the time of application submission, including the following: noise feasibility study; detailed noise study; air quality study; odour, dust and light assessment; and any other information and materials identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.”

As discussed previously, noise concerns have been satisfactorily addressed and will be implemented at the Site Plan Control stage.

Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan (TPP) prepared by Seferian Design Group, dated September 5, 2017, has been prepared in support of this proposal. While revisions to the TPP are required, staff are of the opinion that these revisions can be accommodated through the future Site Plan Control process.

Road Network

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- c) Major arterial roads, subject to the following policies:
 - i) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
 - ii) Although land accesses are permitted, they shall generally be controlled / restricted.
 - iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.”

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Schedule “C-2” - Future Road Widening of the UHOP identifies this portion of Garner Road East as having an ultimate width of 36.576 m. Since the current width is approximately 12.7 m to the centreline of the road (25.4 m in total), a road widening of approximately 5.58 m would be required to be dedicated to the City in order to bring the width of the right of way up to 18.28 m at the centreline. The applicant will be required to accommodate this road widening into their design of the subject lands and dedicate the lands either at the future Consent or Site Plan Control Applications.

Based on the foregoing, the proposal complies with the UHOP, subject to the OPA.

Airport Employment Growth District Secondary Plan

The subject lands are designated “Institutional Site Specific Policy - Area B” in the Airport Employment Growth District Secondary Plan.

“B.8.2.8 Relationships with Surrounding Land Uses Principles

There is a seamless transition from surrounding residential and agricultural areas to the employment district. The entire district functions as a single community. The intent is to:

- a) Ensure that employment uses and design at the edge of the AEGD transitions to residential and agricultural areas in a respectful and complementary manner, and consider how agricultural areas within the Greenbelt can continue to function;
- e) Ensure businesses provided in the employment district are complementary to services available in the surrounding community;

B.8.3.4 All development applications within the Airport Employment Growth District shall be subject to review to ensure a high quality of development in accordance with this Secondary Plan and the Airport Employment Growth District Eco-industrial Design Guidelines and Urban Design Guidelines.

B.8.3.5 All development within the Secondary Plan Area shall be planned on a comprehensive basis, avoid where possible impacts on natural features, and effectively integrate with adjacent development and future development. The implementing zoning by-law shall incorporate provisions relating to the height, density and design of development based on the provisions of this Secondary Plan and the Airport Employment Growth District Eco-industrial Design Guidelines and Urban Design Guidelines.”

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The applicant proposes to construct a funeral home in conjunction with related employment uses. The proposed funeral home is intended to be complementary to the existing place of worship on site and will provide a transition from the adjacent residential and agricultural uses to employment uses. At the Site Plan Control stage, further review of the Eco-Industrial Guidelines and Urban Design Guidelines will be conducted to ensure the proposal is developed in accordance with these documents.

“B.8.7 Institutional

The Airport Employment Growth District recognizes a number of existing and planned institutional uses with the Secondary Plan Area. The existing institutional uses, including the Hamilton District Christian High school, and the Providence Canadian Reformed Church, have been recognized to protect their existing use. The lands on the south-east corner of Garner Road and Smith Road are intended to be used for the expansion of Redeemer University College. These Institutional uses are shown on Map B.8-1 – Airport Employment Growth District Land Use Plan and are subject to the following policies:

B.8.7.1 Section B.3.5 – Community Facilities / Services, Section E.6.0 – Institutional Designation of Volume 1, and Sections B.8.17.2, B.8.17.3, and B.8.17.4 of this Secondary Plan.

B.8.7.2 Notwithstanding Section B.8.7.1, if the institutional uses on lands designated “Institutional” and identified as Site Specific Policy – Areas B, C, and D, on Map B.8-1 – Airport Employment Growth District Land Use Plan, cease to exist or are not developed for the proposed institutional uses, then Section B.8.4.5 shall apply.

B.8.17.2 Notwithstanding Policy B.8.4.5.1 – Permitted Uses, the lands designated Institutional located at 70 Garner Road East, and identified on Map B.8-1 – Airport Employment Growth District Land Use Plan as Site Specific Policy – Area B, may permit the following uses in conjunction with the place of worship:

- a. offices for a religious organization;
- b. convention and conference centre;
- c. educational establishment for a religious organization;
- d. lodging home for short term accommodation in conjunction with the educational establishment; and,

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- e. sports facilities.”

The subject lands currently contain a place of worship, being the Ancaster Christian Reformed Church. At the time of developing the AEGD Secondary Plan, it was anticipated that the church would partner with surrounding community groups to develop the lands for the accessory uses as noted in Policy B.8.17.2. However, the current proposal seeks to establish an independent funeral home in conjunction with related employment uses, including motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering service, and office space. A future Consent Application to sever the place of worship from the subject lands is anticipated as part of the proposal. Since the proposed development will not be subordinate to the existing place of worship, an Amendment to the AEGD Secondary Plan is required to redesignate the lands from “Institutional” to “Airport Prestige Business” to reflect their proposed use, which was not anticipated through the development of the AEGD Secondary Plan.

“B.8.4.5.1 Notwithstanding Section E.5.5– Employment Area – Airport Employment Growth District of Volume 1, the following policies shall apply to the lands designated Airport Prestige Business on Map B.8-1 – Airport Employment Growth District Land Use Plan:

- a. The Airport Prestige Business designation shall permit manufacturing, assembly, warehousing, repair service, transportation terminals, research and development, office, communication establishment, private power generation, and high technology industry.
- b. The Airport Prestige Business designation shall also permit uses which primarily support industry including labour association halls, hotels, trade schools, training facilities, commercial motor vehicle and equipment sales, commercial rental establishments, and utility activities benefiting from proximity to airport services.”

The proposed development seeks to permit uses identified in Policy B.8.4.5.1, being repair service, office, and training facilities, in conjunction with the proposed funeral home. An amendment is required to redesignate a portion of the lands from “Institutional” to “Airport Prestige Business” and to identify the same portion of the lands as a new site specific policy area. The amendment is further discussed in the Analysis and Rationale for Recommendation Section of this Report.

“B.8.4.5.7 Employment development that effectively integrates with nearby residential uses, by minimizing and / or mitigating potential impacts

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through specific urban design, is encouraged. The following policies apply to Airport Prestige Business uses:

- i. Development abutting Garner Road shall have limited access to Garner Road which shall be achieved through a minimum frontage requirement in the zoning by-law;
- j. Development abutting Garner Road shall have parking and loading spaces oriented to the side or rear yards, and away from adjacent residential uses;
- k. Development fronting Garner Road shall be low rise building forms and incorporate a landscaped area in the front yard as specified in the zoning by-law;
- l. Development abutting Garner Road shall ensure all lighting and neon signs be directed away from the abutting Garner Road lands;
- m. The Airport Employment Growth District Urban Design Guidelines should be referred to for guidance on building orientation, landscape treatment, building materials, illumination, and location of parking and loading spaces to achieve an appropriate transition between the residential development fronting Twenty Road / Glancaster Road / Garner Road and the nonresidential development in the interior of the Airport Employment Growth District;"

The applicant proposes a frontage of approximately 95 metres, which conforms to the minimum required lot frontage of 60 metres in the proposed Airport Prestige Business (M11, 697) Zone. The site layout will be reviewed against the AEGD Secondary Plan Urban Design Guidelines in further detail at the Site Plan Control stage.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Major Institutional (I3, 39, H37) Zone in the City of Hamilton Zoning By-law No. 05-200. The (I3, 39, H37) Zone permits only a place of worship and may be developed in the future only with offices for a religious group, conference and convention centre, lodging house for short term accommodation in conjunction with an education establishment, recreation, and an education establishment for a religious organization. The Zoning By-law Amendment proposes a change in zoning to a site specific Airport Prestige Business (M11) Zone to permit a funeral home in conjunction with a motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering service, and office. Modifications to

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the (M11) Zone include requiring the funeral home to be developed in conjunction with employment uses, parking requirements for a funeral home, and location of visual barriers adjacent to Institutional Zones. The modifications are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

RELEVANT CONSULTATION

The following Department / Agency has no comments or objections:

- Strategic Planning, Public Works Department.

The following Departments / Agencies have provided comments on the application:

Forestry and Horticulture Section, Public Works Department has reviewed the submitted materials for these applications and requires that a Landscape Plan be submitted for review and approval at the Site Plan Control stage.

The **Hamilton Conservation Authority (HCA)** has reviewed the proposal and has no objection. The HCA has identified that additional comments must be addressed at the Site Plan Control stage with regards to the Stormwater Management scheme.

Recycling and Waste Disposal Section, Public Works Department staff have reviewed the application and note that the lands are eligible for municipal waste collection. However, this may be reviewed further at the Site Plan Control stage should it be determined that the proposal is considered an Employment use.

Public Health Services Division, Healthy and Safe Communities Department has requested the submission of a Pest Control Plan prior to any development and construction activity on site. This will be required as a Special Condition of the future Site Plan Control Application.

Transportation Planning Section, Planning and Economic Development Department have reviewed the Traffic Impact Study (TIS) prepared by Paradigm Transportation Solutions Ltd., dated August, 2017. Amendments to the TIS are required, including the evaluation of the easterly driveway as a right-in / right-out only access. Further, the applicant will be required to establish both a westbound left turn lane and an eastbound right turn lane within the right of way in order to support the development. These details must be included in the revised TIS, as required within the proposed Holding Provision H104 (see Appendix "C" to Report PED18185).

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 of the proposal was sent to 43 property owners within 120 metres of the subject lands on October 4, 2017. A Public Notice Sign was posted on the property on October 3, 2017, and updated with the Public Meeting date on July 27, 2018. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. No written submissions were received as a result of the circulation.

Public Consultation Strategy

As part of the applicant's Public Consultation Strategy, the applicant hosted an open house on the subject lands on March 29, 2017. A total of 19 attendees, including staff, attended the open house. A summary of comments received by the applicant was included in the Planning Justification Report, titled "Planning Justification Report, Application for Official Plan Amendment & Rezoning" prepared by Fothergill Planning & Development Inc., dated September 5, 2017. An excerpt of the summary has been included as Appendix "E" to Report PED18185.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) The proposed funeral home to be developed in conjunction with employment uses comply with the general intent of the UHOP and the Airport Employment Growth District Secondary Plan in terms of preserving employment areas; and,
 - (iii) The proposed development is compatible with the existing place of worship to the west, residential uses to the north, and the planned intent of the Airport Employment Growth District Secondary Plan.

2. **Official Plan Amendment**

The applicant has requested an amendment to the Urban Hamilton Official Plan to redesignate a portion of the lands from "Institutional" to "Airport Employment Growth District" on Schedule "E-1" - Urban Land Use Designations, and to

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) - Page 19 of 22

redesignate a portion of the lands from “Institutional, Site Specific Policy - Area B” to “Airport Prestige Business” and establish a new site specific policy area in the Airport Employment Growth District Secondary Plan.

Currently, a funeral home is not identified specifically as a permitted use within the Urban Hamilton Official Plan. OPA No. 69, as adopted by Council through By-law No. 17-239, added this use to the UHOP under the “Arterial Commercial” Designation. This By-law has been appealed to the LPAT and is currently not in force and effect. The original proposal submitted by the applicant proposed to add the funeral home as an accessory use to the Ancaster Christian Reformed Church. However, the applicant also proposed no limits to the size to ensure that the use remained accessory to the place of worship, and proposed that the two uses be established on separate properties. Since it could not be demonstrated that the funeral home would remain accessory to the place of worship, the applicant amended their proposal to consider the funeral home as a principal use.

The proposal now seeks to designate the lands “Airport Prestige Business” and require the funeral home to be developed in conjunction with a motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering service and office as one integrated development. The proposed uses generally reflect the form and function of the AEGD Secondary Plan, which is geared towards employment uses that require large land areas that are not well suited for commercial or downtown areas. The proposed uses provide an appropriate integration between the adjacent residential uses to the north and east and the agricultural uses to the west and south since the uses will not provide a negative impact in terms of noise, light, or odour when compared to other employment uses. Since the development will be developed as its own principal use and not accessory to the place of worship, a redesignation to “Airport Prestige Business” is appropriate. This amended designation will further allow the applicant to sever the place of worship from the subject lands as the uses will not be tied to each other from a policy or operational perspective.

A site specific policy area is also required to add the funeral home as a permitted use within the “Airport Prestige Business” designation. In order to ensure that the form and function meets the intent of the AEGD, the funeral home will be tied to the uses listed above and the funeral home must operate in conjunction with these uses (see Appendix “B” to Report PED18185).

Since the lands are located on the periphery of the AEGD Secondary Plan, traffic associated with the proposed use will not be entering the interior of the AEGD, ensuring future employment uses and the airport will not be impacted by the traffic. Further, there is adequate access to the site from Garner Road East to

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both Highway No. 403 and Highway No. 6. The funeral home will also be well integrated with the adjacent place of worship by providing services that can coordinate with each other, including funeral services and providing space for community groups. As such, the funeral home use will be compatible with existing and planned uses in the AEGD Secondary Plan. Based on the foregoing, the proposed Official Plan Amendment is supported by staff.

3. **Zoning By-law Amendment to Hamilton Zoning By-law No. 05-200**

A change in zoning from the Major Institutional (I3, 39, H37) Zone to the Airport Prestige Business (M11, 697, H37, H104) Zone is required to implement the proposal. Modifications requested to the (M11) Zone include adding the funeral home and catering service as permitted uses, establishing parking requirements for the funeral home, and modifying visual barrier requirements adjacent to an Institutional Zone.

Permitted Uses

The applicant proposes to add a funeral home and catering service as permitted uses to the Airport Prestige Business (M11) Zone. As noted above, the funeral home will provide for a suitable transition from the adjacent agricultural and residential uses to the surrounding AEGD lands. The catering service is permitted in other Airport related zones, such as (M10), (M8), and (M7) Zones, as a related service to the business park, and will provide a service to the funeral home, the adjacent place of worship, and the surrounding AEGD. To ensure that the use functions under the intent of the Secondary Plan as an employment use, the funeral home must be developed in conjunction with the uses noted previously in the report, being motor vehicle service station, motor vehicle collision repair, convention centre, catering service, and office. The funeral home must operate with all uses noted above to ensure the intent of the Official Plan Amendment and Zoning By-law Amendment are maintained, as a standalone the funeral home cannot be considered an employment use and would not be permitted under the (M11) Zone. Based on the foregoing, the modification is reasonable and supported by staff.

Parking

Staff have included a modification to the By-law to provide a parking ratio of one space for every 20 sq m of gross floor area which accommodates the use. Based on the GFA proposed, a total of 78 parking spaces is required, whereas the applicant proposes 212 parking spaces on site. This parking requirement is consistent with the requirements for funeral homes, as introduced into the Hamilton Zoning By-law No. 05-200 by amending By-law No. 17-240. While this

by-law has been appealed to the LPAT and is not currently in force and effect, the proposed parking ratio is consistent with Council direction. All other uses proposed on site require less restrictive parking requirements, ranging from a minimum one space for every 30 sq m to one space for every 115 sq m. Accordingly, staff are satisfied that sufficient parking will be provided on site for all uses. Based on the foregoing, the modification is reasonable and supported by staff.

Visual Barrier

Staff have included a modification to the By-law to not require a visual barrier for a funeral home adjacent to an Institutional Zone. The intent of this provision in the By-law is to provide screening for sensitive land uses from industrial uses. Since this proposal includes connections to the existing place of worship to the west, and is a complementary use, a visual barrier would not encourage synergies between the two uses. Based on the foregoing, the modification is reasonable and supported by staff.

4. Holding Provision

The subject lands are currently subject to the Holding Provision No. 37, which applies to all undeveloped land within the AEGD Secondary Plan. The H37 provision requires that full municipal services and adequate transportation infrastructure be available for proposed developments prior to any development activity. Staff have reviewed the proposal and conclude that the H37 shall remain in place since adequate infrastructure is not yet available.

Growth Management staff requested the submission of the following studies / reports prior to the approval of the Official Plan Amendment and Zoning By-law Amendment applications:

- Functional Servicing Report;
- Preliminary Grading and Servicing Plan; and,
- Notes and Details Plan.

To ensure these studies and plans are reviewed and any necessary upgrades are addressed, Growth Management staff have requested that a Holding Provision be added to the amending Zoning By-law. Accordingly, Holding Provision H104 has been proposed which requires the completion of Functional Servicing, and Stormwater Management, and Traffic Impact reports, to the satisfaction of the City (see Appendix “C” to Report PED18185).

The proposed H104 identifies further detailed requirements than currently outlined in H37, such as the provisions of Low Impact Development for stormwater management purposes. Further, the applicant will be required to seek a legal opinion on the riparian rights for the subject lands to ensure a suitable drainage outlet is available for the development. Finally, the H104 requires that the TIS titled “50 & 70 Garner Road East, Ancaster Transportation Impact Study”, prepared by Paradigm Transportation Solutions Limited, and dated August 2017 is to be revised in order to address Transportation Planning comments.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed funeral home. The lands could only be developed in accordance with the Major Institutional (I3, 39, H37) Zone which permits institutional uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth *Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Draft Official Plan Amendment
- Appendix “C” – Draft Zoning By-laws
- Appendix “D” – Concept Plan
- Appendix “E” – Public Consultation

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