



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 01, 2019
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 560-580 Highland Road West (Hamilton) (PED19182) (Ward 6)
<b>WARD(S) AFFECTED:</b>	Ward 6
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Zoning By-law Amendment Application ZAC-19-004, by Commons Holdings Inc. (Owner)** to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of business support uses on lands located at 560-580 Highland Road West, as shown on Appendix “A” to Report PED19182, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED19182, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.

**EXECUTIVE SUMMARY**

The application is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of permitted uses that support the businesses and employees of the surrounding employment area, including financial establishments, medical clinics, personal services, and limited retail.

The same regulations and urban design standards (e.g. maximum building height, minimum yard setbacks, landscape area requirements, etc.) as the existing Prestige Business Park (M3) Zone would apply to the site. In addition, the site is appropriately designated in the Urban Hamilton Official Plan (UHOP) and is the subject of approved Site Plan Application No. SPA-17-232 (attached as Appendix “C” to Report PED19182).

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community through the addition of a limited range of strategically located supportive commercial uses for employees and businesses within the Employment Area where there is a determined need, making efficient use of land and existing infrastructure and satisfying the criteria for supportive commercial uses in Employment Areas as set out in the UHOP.

***Alternatives for Consideration – See Page 13***

**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**

Site Description

The subject lands known as 560-580 Highland Road West are located on the northwest corner of the intersection of Highland Road West and Upper Red Hill Valley Parkway (see Location Map attached as Appendix “A” to Report PED19182). The subject site is approximately 1.5 hectares in area with two recently constructed office and commercial retail buildings.

Proposal

The application is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of permitted uses that support the businesses and employees of the

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surrounding employment area, including medical clinics, personal services, and limited retail that supports businesses and employees in the Red Hill Business Park.

**Chronology:**

- December 10, 2018: Application ZAC-19-004 received.
- January 18, 2019: Application ZAC-19-004 deemed complete.
- January 31, 2019: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-19-004 to 18 property owners within 120 m of the subject lands.
- February 14, 2019: Public Notice Sign erected on the subject property.
- July 12, 2019: Additional materials submitted to City of Hamilton for review.
- August 21, 2019: Public Notice Sign updated with Public Meeting Information.
- September 13, 2019: Circulation of the Notice of Public Meeting to 18 property owners within 120 m of the subject lands.

**DETAILS OF SUBMITTED APPLICATION**

**Location:** 560-580 Highland Road West, Hamilton (see Appendix “A” to Report PED19182)

**Owner/Applicant:** Commons Holdings Inc.

**Agent:** WEBB Planning Consultants (c/o James Webb)

**Property Description:**

Lot Frontage:	± 153.55 m (Highland Road West) ± 91.75 m (Upper Red Hill Valley Parkway)
Lot Depth:	± 104.3 m
Lot Area:	± 1.55 ha (Irregular)
Servicing:	Existing Municipal Services

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Office and Commercial Retail under construction	Prestige Business Park (M3) Zone
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Restaurant and Motor Vehicle Service Station	Prestige Business Park (M3) Zone
<b>South</b>	Vacant Land subject to redevelopment	Business Park Support (M4, 481) Zone, Modified
<b>East</b>	Upper Red Hill Valley Parkway, Retail Grocery Store, and Vacant Land subject to redevelopment	Neighbourhood Development (ND) Zone District Commercial (C6, 349) Zone, Modified
<b>West</b>	Hydro Corridor	Prestige Business Park (M3) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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 and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis that follows.

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to Cultural Heritage policies of the PPS. The following policy, amongst others, applies:

“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.”

A Stage 1-3 archaeological assessment report (P013-168-2006) and a Stage 4 archaeological assessment report (P141-066-2006) were submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport in July 2006 and May 2007, respectively. The Stage 1-3 and Stage 4 reports received Ministry sign-off in letters dated December 3, 2008. The Stage 4 assessment report indicates that the registered archaeological site, Soley III (AhGw-219), has been completely salvage excavated and is considered free of any further archaeological concern. Staff concur with the recommendations made in the reports and no longer have an interest in the subject property with respect to archaeology.

As the application for a change in zoning complies with the Official Plan and relevant polices in the PPS (2014), it is staff’s opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

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

The subject lands are designated “Employment Areas” on Schedule E – Urban Structure and designated “Business Park” on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

#### Employment Area – Business Park Designation

“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.

E.5.4.1 The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.

E.5.4.3 The following uses may be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law: **(OPA 109)**

- 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 cannabis growing and harvesting facility, a greenhouse and an aquaponics facility; **(OPA 23)(OPA 112)**
- e) waste processing facilities and waste transfer facilities; and,
- f) accessory uses, such as limited retail and office.

E.5.4.4 In addition to Policy E.5.4.3 c), ancillary uses may be permitted within the Employment Area provided the following conditions are met:

- a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;

- b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:
  - i) permit a limited number of restaurants where a need for the use can be justified;
  - ii) restrict or limit the number of ancillary uses from occupying Employment Areas.
- c) the need for the uses to support the businesses and employees within the Employment Area has been determined;
- d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,
- e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a). **(OPA 109)**”

Employment Areas are to be preserved for employment-type uses. As provided above, a wide range of employment uses are permitted throughout the Employment Areas, with some limited support commercial uses permitted at strategic locations within the Business Parks. The range of permitted ancillary and accessory commercial uses in Industrial Zones has been restricted in the Zoning By-law in accordance with these UHOP policies, which is further detailed below in the Scale and Design section of this Report. The Prestige Business Park (M3) Zone is applicable to the Red Hill North Business Park and permits a range of light industrial, office, and research and development uses. The Business Park Support (M4) Zone has been applied to the exterior of business parks and permits the same range of industrial and employment uses as the M3 Zone, as well as ancillary uses which are designed to support the business and employees of the employment area. It is important to note that major retail and residential uses are not permitted.

It was not intended that the M4 Zone be widely used in Business Parks, as many of the existing parks are near commercially designated and zoned lands that serve the same function. In review of the remaining criteria as set out in Policy E.5.4.4 c) to e), staff note the following:

- The proposed additional uses of financial establishment, medical clinic, personal services, and limited retail will support existing local businesses, industries and employees of the Upper Red Hill Valley Parkway area. An addendum to the Planning Justification Report prepared by Webb Planning Consultants dated July 12, 2019 was prepared to demonstrate the need for supportive commercial uses for the business and employees within the Employment Area. The addendum

identified that there is specific demand and a niche market for supportive commercial uses to locate within the business park for the express purpose of offering services catered towards potential clients from existing and planned businesses and the workforce located within the business park, particularly for medical and financial services. It notes that this demand cannot be met within the adjacent commercially zoned lands as they offer exclusive and premium space targeted towards the general public;

- The subject site is located along the exterior of the Red Hill Business Park North, at the intersection of Upper Red Hill Valley Parkway, a designated major arterial road, and Highland Road West, a designated collector road; and,
- The subject site is a single site, thus limiting the impact on the supply of developable lands for employment uses.

Based on the foregoing, staff are of the opinion that the subject criteria have been met.

#### Scale and Design

- “E.2.7.5 Smaller scale office buildings shall be permitted within all Employment Areas; however, they shall be restricted in function and scale.
- E.2.7.6 Employment Areas shall be planned and designed to be easily accessible by a range of transportation modes including the automobile, transit, and active transportation.”
- E.5.4.5 Offices within the Employment Area – Business Park designation shall comply with the following criteria:
- a) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be permitted where prestige uses for a business park are permitted by Policy E.5.4.7 c), and where the ancillary uses which serve the businesses and employees of the business park are permitted by Policy E.5.4.4.
  - b) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law.
  - c) Industrial administrative offices shall be limited to less than 10,000 square metres per free standing building and shall only be permitted



where prestige uses for a business park are permitted by Policy E.5.4.7 c). **(OPA 64)**

- d) Consulting offices related to land development services, such as surveying, engineering, planning or design, services shall be limited to less than 10,000 square metres per free standing building. **(OPA 64)**

E.5.4.6 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area, and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4.

E.5.4.7 (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.

E.5.4.7 (d) A range of compatible employment uses shall be encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.”

The UHOP contains policies which limit the function, scale and type of office uses and the location and scale of ancillary retail uses. The Business Park Support (M4) Zone has requirements that implement the above noted policies through the requirement of a Minimum Lot Area of 4,000 m<sup>2</sup> and a maximum gross floor area of 500 m<sup>2</sup> for an individual retail establishment. Further, the M4 Zone contains the same regulations and urban design standards as those required in the Prestige Business Park (M3) Zone. The specific site planning details required per UHOP Policy E.5.4.7 have been addressed through the review of approved Site Plan Application No. SPA-17-232 (attached as Appendix “C” to Report PED19182).

The proposal provides for a range of uses that are suitable for transition from general industrial uses to the west, to future sensitive land uses (residential) towards the southeast. The proposal provides for an expanded range of economic opportunities in proximity to Upper Red Hill Valley Parkway and will encourage multi-modal transport that supports industry locational and market requirements.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

## **Hamilton Zoning Bylaw No. 05-200**

The subject property is currently zoned Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED19182.

The Prestige Business Park (M3) Zone permits a range employment uses, including but not limited to manufacturing, research and development, warehousing, transportation logistics, building supply establishments, offices, professional services, commercial vehicle or equipment repair services, sales and rentals, restaurants, hotels, and conference and convention centres.

To permit a broader range of uses that support the businesses and employees of the surrounding employment area, including medical clinics, personal services, and retail, an amendment to the Zoning By-law is required to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone. The M4 Zone includes the same regulations and urban design standards as required in the existing M3 Zone. Regulations requiring minimum setbacks for manufacturing uses from sensitive land uses also apply. The proposed zoning will be discussed in the Analysis and Rationale section of this Report.

## **RELEVANT CONSULTATION**

The following departments and agencies had no comments or objections to the application:

- Growth Planning Section, Growth Management Division, Planning and Economic Development Department;
- Landscape Architectural Services, Strategic Planning Division, Public Works Department;
- Asset Management, Strategic Planning Division, Public Works Department; and,
- Construction, Strategic Planning Division, Public Works Department.

The following departments and agencies submitted comments:

**Development Approvals Section, Growth Management Division, Planning and Economic Development Department** advise that provided that the site does not have an increase in imperviousness, additional inlet structures, grading works, servicing works other than what was originally proposed in approved Site Plan Application No. SPA-17-232, then Development Engineering Approvals has no comments or concerns with the Zoning By-Law Amendment from an Engineering perspective.

The proposed application is for a change in zoning that will permit a broader range of employment supportive uses. This change will not alter the development as approved by Site Plan Application No. SPA-17-232.

**Recycling and Waste Disposal, Environmental Services Division, Public Works Department** advise that this location is ineligible for municipal waste collection service. The collection of waste materials is required through a private waste hauler. Participation in waste diversion programs including recycling collection and organic waste collection is encouraged. It will be up to the applicant to arrange for a private collection service.

**Transit Planning and Infrastructure, Public Works Department** advise that there is currently no existing or planned transit on Highland Road West or Upper Red Hill Valley Parkway. Although Transit Planning acknowledge the planned hub on Upper Mount Albion Road and advise that this transit hub is a planned connection of three routes, it does not presently exist, and all future transit plans are subject to budget approval and funding availability.

Upper Red Hill Valley Parkway forms the east boundary of the site with a fully signalized intersection at Highland Road. Stone Church Road East is the major east-west arterial road in the area with existing transit service. Highland Road West is currently being upgraded from a two-lane rural cross section to a three-lane urban cross section with sidewalks on both sides. Dedicated cycle lanes are provided on Stone Church Road and Highland Road and a multipurpose trail is located along the east side of Upper Red Hill Valley Parkway. While transit improvements will further enhance the area, the site is well served by multiple existing transportation modes, and the site provides sufficient parking as determined by approved Site Plan Application No. SPA-17-232.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 18 property owners within 120 m of the subject property on January 31, 2019.

A Public Notice Sign was posted on the property on February 14, 2019, and updated on August 21, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on September 13, 2019.

To date, two letters (attached as Appendix “D” to Report PED19182) were received from the public through this circulation and are summarized in the Analysis and Rationale for Recommendation Section of this Report. One of the respondents has since withdrawn their objection.

### **Public Consultation Strategy**

Pursuant to the City’s Public Consultation Strategy Guidelines, the proponent prepared a Public Consultation Strategy. The strategy follows the City’s circulation and public notice sign posting, with an option for a supplemental letter from the proponent to further explain

the proposal and seek feedback. Due to the nature of the surrounding properties (employment, commercial, and vacant lands) and limited feedback to the City's Preliminary Circulation, the option for the supplemental letter was not undertaken; however, the proponent has committed to engage in direct dialogue with respondents.

## **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 conforms to A Place to Grow (2019) as it represents an opportunity for growth in Settlement Areas;
  - ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a range of employment uses and opportunities, making efficient use of land and existing infrastructure within the urban boundary while protecting existing, future, and planned employment uses in the area.
  
2. The subject lands are located on the northwest corner of the intersection of Highland Road West and Upper Red Hill Valley Parkway. The proposal is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone to permit a broader range of industrial activities and employment support uses to serve the businesses and employees of the surrounding business park and minimize vehicle trips. These additional uses include:
  - medical clinic (limited to a maximum of 3,000 m<sup>2</sup> per lot);
  - personal services;
  - retail (limited to a maximum of 500 m<sup>2</sup> per establishment); and
  - financial establishments.

The requested change in zoning provides for four additional uses being sought (financial establishment, medical clinic, personal services and retail). The intent of the M4 Zone is to permit a limited range of commercial uses which are designed to support employees and businesses within the Employment Area in addition to the same range of employment uses. These additional requested uses function as supportive uses to the predominant employment uses and are therefore in keeping with the intent of the Official Plan.

3. To date, two letters of correspondence have been received through public consultation (attached as Appendix “D” to Report PED19182). The comments can be summarized as follows.

#### Cumulative Impact

A written submission commented on the cumulative impact of rezoning lands within the Employment Area to permit additional commercial uses. The adjacent lands to the south of the subject lands, opposite Highland Road West, have already successfully been rezoned to the M4 Zone. The concern is that the conversion of additional lands to the M4 Zone will permit additional non-employment commercial uses, which may lead to an oversaturation of commercial support uses within the Employment Area and remove them from the supply of land allocated to employment uses.

It is important to note that the Business Park Support (M4) Zone permits the same range of industrial and employment uses as the Prestige Business Park (M3) Zone. Thus, the range of industrial and employment uses would not be limited or restricted by the subject application, with the exception of alcohol production facilities, aquaponics, cannabis growing and harvesting facilities, and greenhouses which are not permitted in the Business Park Support (M4) Zone. The subject site meets the locational criteria for supportive commercial uses. With respect to an oversaturation of commercial support uses, as the site continues to permit the majority of the existing M3 Zone permissions for employment uses, there would not be a concern with an oversupply of lands zoned exclusively for commercial support uses.

The respondent has since withdrawn their objection per their email sent on August 28, 2019 (attached to Appendix “D” to Report PED19182).

#### Sensitive Land Use

A written submission expressed concerns regarding potential sensitive land uses locating on this site and being in potential conflict with a proposed funeral home east of the hydro corridor. This proposed development will have no negative impact on the neighbouring future application, as no residential or sensitive land uses are associated with this development. Staff feel these concerns have been satisfactorily addressed.

### **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could be developed in accordance with the Prestige Business Park (M3) Zone, which permits uses including, but not limited to, 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.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and 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.*

### **Economic Prosperity and Growth**

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

### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Zoning By-law Amendment

Appendix “C” – Approved Site Plan Application No. SPA-17-232

Appendix “D” – Public Submissions

TV: