

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 4
COMMITTEE DATE: June 5, 2012	
SUBJECT/REPORT NO: Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 440 Rennie Street (Hamilton) (PED12090) (Ward 4)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424, Ext. 4283
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-12-003, by BFI Canada Inc., Owner**, for a change in zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 448) Zone, with a Special Exception, in Hamilton Zoning By-law No. 05-200, in order to permit the expansion of the existing Waste Management Facility at 464 Rennie Street onto 440 Rennie Street (Hamilton), as shown on Appendix "A" to Report PED12090, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED12090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is to amend City of Hamilton Zoning By-law No. 05-200 in order to permit the expansion of the existing Waste Management Facility on the property at 464 Rennie Street onto the adjacent property to the west at 440 Rennie Street (Hamilton) (see Appendix "A"). No changes to the existing operation at 464 Rennie Street in terms of the quantity of waste being processed or stored or number of truck shipments would occur. The portion of the property at 440 Rennie Street would be used to store clean waste-wood on a new concrete pad and staff parking on the front of the property (see operational plan at Appendix "C"). The rear of the property would be for non-waste incidental storage. 440 Rennie Street is currently owned by BFI Canada Inc, the same owners as the existing Waste Management Facility at 464 Rennie Street and both properties will be merged in title upon being registered under the same name.

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan. The expansion of the Waste Management Facility does not intensify the use and appropriate restrictions can be placed on the facility as part of the required amendment to the Ministry of Environment Certificate of Approval review process to add 440 Rennie Street to the existing Certificate of Approval for 464 Rennie Street. No hazardous waste is processed or proposed to be processed at the facility.

Alternatives for Consideration - See Page 11.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal

The applicant has applied for a change in zoning on the property at 440 Rennie Street from the Light Industrial (M6) Zone to the Light Industrial (M6, 448) Zone in Hamilton Zoning By-law No. 05-200 in order to permit the expansion of the existing Waste Management Facility at 464 Rennie Street onto 440 Rennie Street. The (M6, 350) Zone applies to a number of properties in Hamilton and permits certain, existing Waste

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Management Facilities. The existing facility at 464 Rennie Street is already zoned (M6, 350) Zone. The proposed zoning would permit a Waste Management Facility at 440 Rennie Street in conjunction with the existing facility at 464 Rennie Street.

Chronology:

September 13, 2010: Submission of Application MOE-CA-10-006 by BFI Canada Inc.

October 15, 2010: Letter sent to the Ministry of the Environment (MOE) and applicant noting that the proposal does not conform to existing zoning provisions as it included expansion of the existing facility at 464 Rennie Street onto 440 Rennie Street which does not permit a Waste Management Facility.

November 1, 2010: Submission of an Amended Application MOE-CA-10-006. MOE confirms amendment in writing removing 440 Rennie Street from the application.

November 16, 2010: Preliminary staff comments on the Certificate of Approval application provided to the MOE.

January 18, 2011: Planning Committee approves Report PED11001 respecting MOE-CA-10-006 which recommended that the MOE approve the amended Certificate of Approval subject to certain restrictions. The report is subsequently forwarded to the MOE.

October 5, 2011: Development Review Committee Meeting for Formal Consultation Application FC-11-103 (440 Rennie Street). Proposal was to permit the expansion of the Waste Management Facility at 464 Rennie Street onto 440 Rennie Street.

February 7, 2012: Submission of Application ZAR-12-003 by BFI Canada Inc.

February 29, 2012: Application ZAR-12-003 is deemed complete.

March 9, 2012: Circulation of Notice of Complete Application for Application ZAR-12-003 to all property owners and tenants within 120 metres of the subject lands.

May 18, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

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Details of Submitted Applications:

Location: 440 Rennie Street (Hamilton)
Owner/Applicant: BFI Canada Inc.
Agent: Dillon Consulting

Property Description (of 440 Rennie Street):

Area: 0.309 hectares
Frontage: 5.71 metres
Depth: 132.36 metres (west property line)

Servicing:

Full Municipal Services

Existing Land Use And Zoning:

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Light Industrial (M6) Zone
Surrounding Lands:		
North	Industrial	Light Industrial (M6) Zone
South	CN Rail tracks and Industrial	Light Industrial (M6) Zone
East	Waste Management Facility and Bell Canada Utility Building	Light Industrial (M6, 350) Zone and Light Industrial (M6) Zone
West	Industrial	Light Industrial (M6) Zone

POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with Policy 1.1.3.1, which focuses growth in Settlement Areas, and with Policy 1.3.1, which promotes economic development by providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs. The application is also

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consistent with Policy 1.6.8.1 which speaks to appropriately sized waste management systems that are located and designed in accordance with provincial legislation and standards.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.2.1 states that population and employment growth will be accommodated through the development of mixed-use urban environments, and encourages cities to develop as complete communities. Places to Grow also promotes economic development by requiring municipalities to provide for an appropriate mix of employment uses including industrial, commercial, and institutional on employment lands. The proposal conforms to Places to Grow.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Section 4.2.2.10 of the Hamilton-Wentworth Official Plan contains policies that apply to Waste Management Facilities including the following:

- “4.2.2.10.1 Waste management facilities shall include the following uses: waste processing facilities, waste transfer facilities, hazardous waste management facilities, and waste disposal facilities.
- 4.2.2.10.3 Waste management facilities, including expansions, shall be subject to the policies of Subsection D.7A – Complete Application Requirements and Formal Consultation.
- 4.2.2.10.4 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for a Certificate of Approval for Waste Disposal site, as required under Part V of the Environmental Protection Act and/or any other applicable legislation for the approval of new waste management facilities or expansions or alterations to existing waste management facilities within the City of Hamilton.
- 4.2.2.10.8 Waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300 metres from a Residential or Institutional designation.
- 4.2.2.10.9 Notwithstanding Policy 4.2.2.10.8 above, waste processing facilities and waste transfer facilities, including expansions, may be permitted within 70 metres to 300 metres from a Residential or Institutional designation,

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subject to amendment to the Zoning By-law. In addition to the requirements of Subsection D.7A – Complete Application Requirements and Formal Consultation, the applicant shall demonstrate, through a Planning Justification Report, or any other study as may be required by the City, an analysis of the following:

- a) the appropriateness of the proposed land use in relation to surrounding land uses;
- b) mitigation of potential impacts to existing land uses, the natural environment and/or cultural heritage features located within 300 metres of the proposed waste management facilities, which shall include, but not be limited to noise, odour, vibration, dust, traffic, air quality, litter, vermin and pest control measures; and,
- c) on-site waste water and storm water management measures, as may be required.”

The property that the existing waste management facility would expand onto is located approximately 200m from two areas that are both used and zoned for residential uses (one to the east along Rennie Street on the north side of the street and one southwesterly on the opposite side of Parkdale Avenue North, across the CN Rail tracks). The locations are shown on Appendix “A”. Policy 4.2.2.10.8 requires waste management facilities and expansions to be located greater than 300m from a residential designation and, if not, certain tests have to be met. As the subject lands are closer than 300m but further away than 70m, these tests would apply.

The applicant has provided a design and operations report for the subject lands to address this policy. This report reviews and evaluates the expansion. The property subject to the expansion is only proposed for storage of clean waste-wood. Other forms of waste are stored and processed within the existing building at 464 Rennie Street. Through the review of the 2010 Certificate of Approval application, staff advised the MOE of appropriate restrictions to be placed on the Certificate of Approval. The expansion onto 440 Rennie Street does not impact the number of shipments to or from the site, the type of waste processed or the quantity of waste processed. Storage of clean waste-wood, on a property associated with an existing waste management facility is appropriate in relation to surrounding land uses and there are no impacts expected to existing surrounding land uses, the natural environment or cultural heritage features from noise, odour, vibration, dust, traffic, air quality, litter, vermin and pest control measures. Therefore, the intent of the waste management policies from the Hamilton-Wentworth Official Plan is being upheld and the proposal conforms to the Hamilton-Wentworth Official Plan.

Hamilton Official Plan:

The subject lands are designated “Industrial” on Schedule ‘A’ - Land Use Concept in the Hamilton Official Plan. The following policies, among others, are applicable to the subject lands:

- “A.2.3.1 Uses permitted on lands designated Industrial on Schedule “A” 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 business and employees within the Industrial area shall also be permitted.
- A.2.3.6 The following uses shall be permitted on lands designated Industrial on Schedule “A”:
- iv) waste processing facilities and waste transfer facilities.
- A.2.3.23 New INDUSTRIAL USES may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water quality control and waste control, including the quality of discharge and run-off.
- A.2.3.26 INDUSTRIAL USES that are proposed to be developed adjacent to existing INDUSTRIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- A.2.3.39 Waste management facilities, including expansions, will be subject to the policies of the Regional Official Plan under Section 4.2.210 – Waste Management Facilities and Part D, Section 11 – Definitions.”

Based on the above, the proposed expansion to the existing waste management facility would be permitted within the “Industrial” designation subject to conformity with the policies of the Regional Official Plan as discussed above. The expansion would be integrated with the design, access points and parking areas of the existing facility at 464 Rennie Street. All matters pertaining to provincial standards were shown to be appropriate through the recent approval of a revised Certificate of Approval by the MOE and any further, needed restrictions will be implemented through the review of a further,

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amended Certificate of Approval. Based on the foregoing, the proposal conforms to the Hamilton Official Plan.

Urban Hamilton Official Plan

The new Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The final decision on the Urban Hamilton Official Plan has been appealed.

The new Urban Hamilton Official Plan designates the subject lands as “Employment Area – Industrial Land” on Schedule “E-1” Urban Land Use designations. This designation permits waste processing facilities and waste transfer facilities through Policy E.5.3.2. Policy E.5.3.7 and E.5.3.7.1 relate to waste processing and transfer facilities and their expansion. These policies mirror the same policies in the Hamilton-Wentworth Official Plan which are discussed in greater detail above. As the Urban Hamilton Official Plan permits the expansion of waste processing and transfer facilities, the proposal would conform to the new Urban Hamilton Official Plan.

Parkview West Neighbourhood Plan

The subject lands are designated “Industrial” in the Parkview West Neighbourhood Plan. The proposed expansion to a waste management facility would not conflict with this designation.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Ministry of the Environment.
- Public Works Department (Forestry and Horticulture Section).
- Hamilton Municipal Parking System.
- Operations and Waste Management Division, Public Works Department.

The following Departments and Agencies submitted the following comments:

Public Works Department (Traffic Engineering Section) has no comments or concerns with the Zoning Application but has advised that based on a site visit the existing easterly access driveway to 464 Rennie Street appears to be blocked but is indicated as a fire route on the operational plan (see Appendix “C”) and should be reopened. The applicant has been advised of this matter and it does not have any implications on the proposed change in zoning as it does not apply to 464 Rennie Street, although it could be addressed through review of an amended Ministry of

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Environment Certificate of Approval application as there is no Site Plan Control Application applicable to the proposal.

Public Consultation

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 64 property owners and tenants within 120 metres of the subject property on March 9, 2012, requesting public input on the application. A Public Notice sign was also posted on the property on March 15, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, 2 comments from area businesses were received expressing concerns with the proposal, primarily that there could be hazardous waste or other forms of waste that could have impacts on their industrial food operations. The agent and owners have since met with the concerned property owners to explain the proposal and the concerned businesses now have no concerns with the proposed rezoning as long as there is no hazardous or chemical waste on the property; that only clean wood and inert waste is stored outside; and, that they are notified as part of the Certificate of Approval process. Restrictions on the Certificate of Approval will address these concerns.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It conforms to the Hamilton-Wentworth Official Plan and the “Industrial” designation in the Hamilton Official Plan;
 - (iii) It provides for a minor expansion of an existing waste management facility onto the subject property which, due to its size and configuration, would have been difficult to develop as a stand alone property.
 - (iv) The expansion would not create any adverse impacts within the local industrial area or to either of the residential areas located approximately 200m from the subject lands.
 - (v) The proposal conforms to the “Employment Areas – Industrial Land” designation in the new Urban Hamilton Official Plan.
2. The existing Waste Management Facility at 464 Rennie Street was established in 1997 through the issuance of a Ministry of Environment Certificate of Approval on

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December 31, 1997 to Twin Oaks Environmental Limited. Prior to this use, the property at 464 Rennie Street had been vacant since 1990, before which it contained operations of Bell Canada. In 2004, BFI Canada Inc. took ownership of Twin Oaks Environmental Limited and the Certificate of Approval was amended to reflect the new ownership. This Certificate of Approval was further amended in 2010 to permit an increase in the amount of daily waste permitted to be shipped from the facility from 200 tonnes to 600 tonnes.

The subject lands at 440 Rennie Street were owned and used by Bell Canada operations, mostly for parking, until 1990 (with the rear portion leased to a construction contractor for equipment and construction material storage). This construction contractor purchased the property from Bell Canada and continued to own and use the property until it was sold to BFI Canada Inc. in 2007. The construction contractor had permitted BFI Canada Inc. to store equipment and empty trailers on the rear portion of the property prior to the sale of the lands to BFI Canada Inc. Based on the historical use of 440 Rennie Street for parking and for the storage of construction equipment and materials for at least 25 years, the proposed use of the land for temporary storage of clean waste-wood would not constitute a substantial change in how the property already functions or with regard to potential nuisance impacts.

3. The proposed expansion to the existing facility would have relatively few implications for how the existing facility operates and how the subject lands are currently utilized (which is for accessory storage and parking). The only proposed construction would be a 300 square metre concrete pad for the storage of clean waste wood which would be screened from the street. The total amount of tonnage being shipped to and from the existing facility at 464 Rennie Street or stored on the existing property is not proposed to be increased (which is capped at 600 tonnes per day by the MOE). The existing truck access driveway at 464 Rennie Street would be used for all industrial shipping activities and the existing access driveway at 440 Rennie Street would only be used to access parking spaces. 440 Rennie Street is minimally visible from other properties or the street as the entire westerly side of the lands abuts the side and/or rear of an industrial building that is located directly on the mutual property line. CN Rail tracks are located at the rear. The existing facility, security fencing and a Bell Canada utility building screen the property from Rennie Street (see Appendix "C"). 440 Rennie Street is located further from the existing easterly residential area than the existing facility and is separated from the westerly residential area by a rail line, industrial properties and Parkdale Avenue North (see Appendix "A").
4. A design and operations report submitted by BFI Canada Inc. reviews the potential impacts and mitigation measures that are needed to obtain a Certificate of Approval from the MOE for the expanded operation including utilizing 440 Rennie Street for clean waste-wood storage. The report highlights how dust

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measures are utilized through paved driveways through the site and the use of a water truck. Odour prevention and controls are also in place and all waste material receiving, processing and loading occurs inside the existing building and absorbents with odour suppression (misting) utilized as needed. These activities are for the existing facility as wood-waste is odour free. BFI Canada Inc. also has a pest control contractor to oversee a pest control program. Since only incidental food and domestic waste is permitted at the facility (and is not proposed to be stored outside at 440 Rennie Street), pest infestations are unlikely. This information satisfies Hamilton-Wentworth Official Plan policies set out to evaluate such expansions.

5. After approval of the Zoning Application, the applicant must apply to the Ministry of the Environment (MOE) for an amendment to the existing Certificate of Approval to permit the use of 440 Rennie Street as part of the existing waste management facility. The City of Hamilton will review the Certificate of Approval Application and make recommendations to the Ministry of the Environment which would include restrictions to ensure only clean wood-waste is stored outdoors and that the total tonnage being shipped and processed is not increased. When the City of Hamilton issued recommendations to the MOE for the 2010 amendment to the Certificate of Approval, all of the key recommendations were included within the amended Certificate of Approval. As the only proposed construction is a concrete pad for clean waste-wood, Site Plan Control is not required.
6. The existing facility at 464 Rennie Street is already zoned to permit the existing waste management facility. This use was recognized along with a number of other existing waste management facilities in the new industrial zoning within Zoning By-law No. 05-200. As the subject lands at 440 Rennie Street will be registered under ownership of BFI Canada Inc., it will be considered the same property as 464 Rennie Street. However, as the existing Light Industrial (M6, 350) Zone only permits the existing facility, the portion of the lands subject to the expansion at 440 Rennie Street must have a new site specific zoning provision to permit a Waste Management Facility in conjunction with the existing facility at 464 Rennie Street. This would also ensure that there would not be separate Waste Management Facility operations on 440 Rennie Street and 464 Rennie Street.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the lands could be developed in accordance with the current Light Industrial (M6) Zone, which permits a broad range of employment related uses.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Generate assessment growth/non-tax revenues.

Growing Our Economy

- ◆ Newly created or revitalized employment sites.

Environmental Stewardship

- ◆ Reduce the impact of Hamilton's industrial, commercial Private and Public operations on the environment.

Healthy Community

- ◆ Plan and manage the built environment

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Site Operations Plan

:GM/ra


Attachs. (3)



● Site of the Application



Ward 4 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-12-003

Date:
May 4, 2012


Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/KA

Subject Property

440 Rennie Street

 Change in Zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 448) Zone.

**Appendix "B" to Report PED12090
(Page 1 of 3)**

Authority: Item [REDACTED]
Planning Committee
Report: 12-[REDACTED] (PED12090)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 440 Rennie Street (Hamilton)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton, in accordance with the provisions of the Planning Act;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 1002 of Schedule "A" - Zoning Maps, of Zoning By-law No. 05-200, be amended by changing the zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 448) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law.
2. That Schedule "C" - Special Exceptions, of By-law No. 05-200, is hereby amended by adding the following Sub-section:

**Appendix "B" to Report PED12090
(Page 2 of 3)**

"448 Notwithstanding Sections 9.6.1 and 9.6.2 of this By-law, on those lands zoned Light Industrial (M6, 448) Zone, as identified on Map No. 1002 of Schedule "A" - Zoning Maps, and described as 440 Rennie Street (Hamilton), a Waste Management Facility shall be permitted in conjunction with the existing Waste Management Facility at 464 Rennie Street."

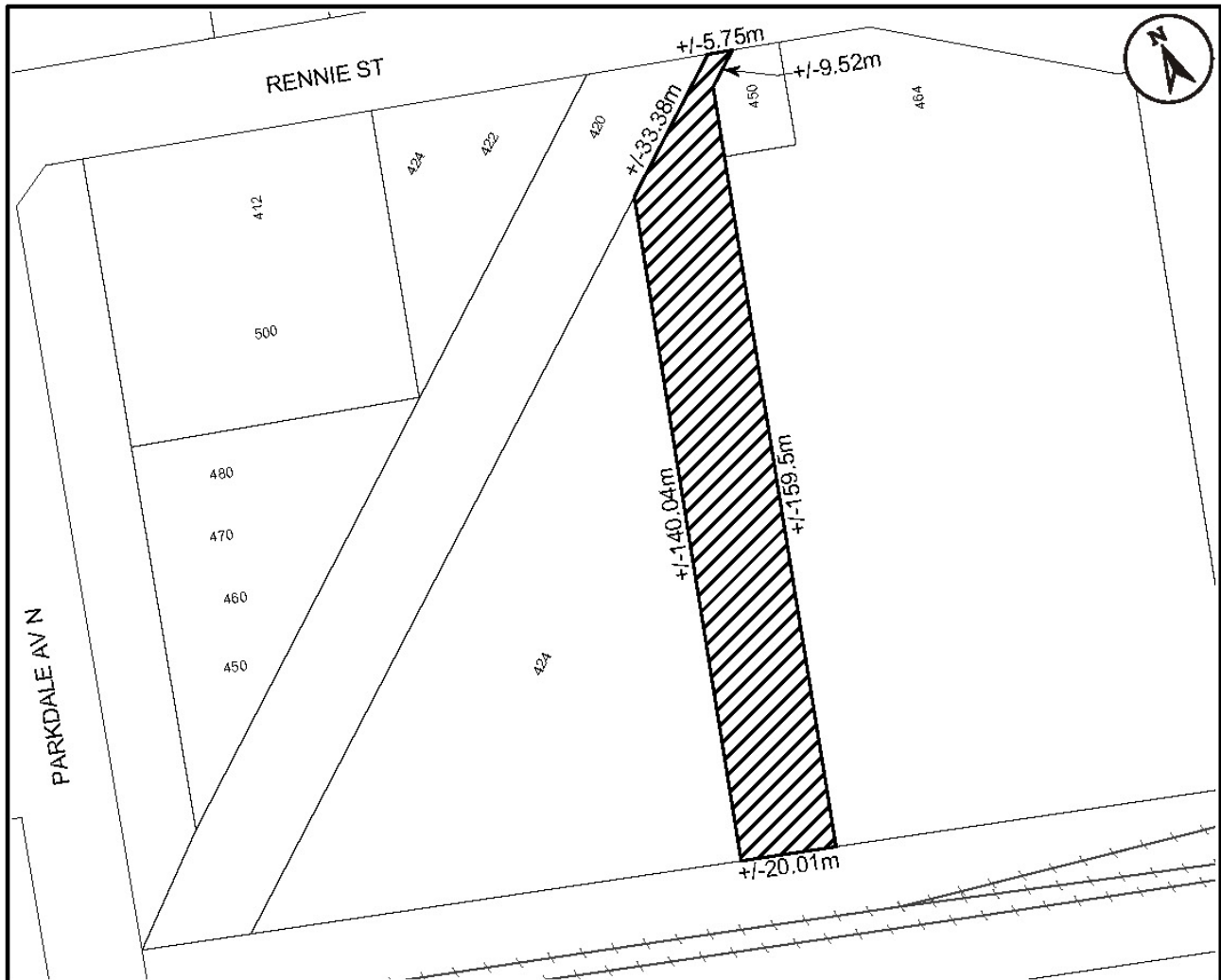
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
4. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

Roase Caterini
Clerk

R. Bratina
Mayor

ZAR-12-003



This is Schedule "A" to By-Law No. 12-

Passed the day of, 2012

Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 12-_____

to Amend By-law No. 05-200
Map 1002

Subject Property
440 Rennie Street

 Change in Zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 448) Zone.

Scale:
N.T.S.

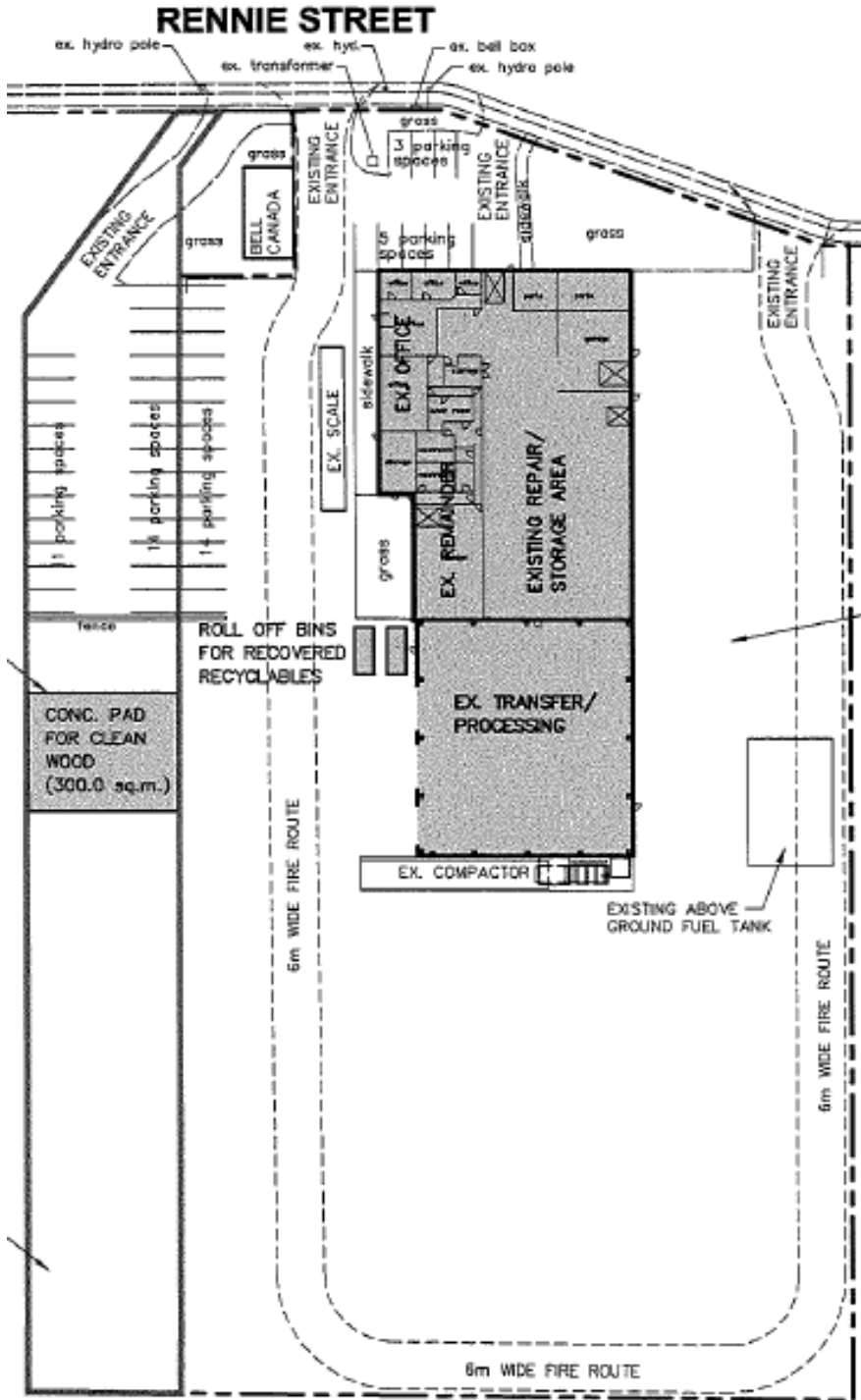
Date:
May 4, 2012

File Name/Number:
ZAR-12-003

Planner/Technician:
GM/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



EXISTING - CANADIAN NATIONAL RAILWAY LANDS
2 LINES PLUS SPUR TO NEIGHBOURING LOT TO EAST