



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARD 12 |
| COMMITTEE DATE: February 19, 2013 | |
| SUBJECT/REPORT NO: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) | |
| SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department | PREPARED BY: Timothy Lee (905) 546-2424 Ext. 1249 |
| SIGNATURE: | |

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-12-033, by 1449814 Ontario Limited, Owner**, for a modification to the “General Business Park” (M2) Zone, to permit general office uses on lands located at 1295 Cormorant Road (Ancaster), as shown on Appendix “A” to Report PED13031, be **DENIED** for the following reasons:

- (a) The proposal is not consistent with the Provincial Policy Statement, and does not conform to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
- (b) The proposal will add non-supportive general office use within Employment Lands of the Ancaster Business Park, which would undermine the general intent and planning function of the new Industrial Zones of Zoning By-law 05-200; and,
- (c) The proposal would encourage other similar applications which, if approved, would undermine the intent of the “Industrial” policies of the Ancaster Official Plan and the New Urban Hamilton Official Plan, and implementing Industrial Zoning in Zoning By-law 05-200.

EXECUTIVE SUMMARY

The purpose of the application is to modify Hamilton Zoning By-law 05-200, on lands municipally known as 1295 Cormorant Road (Ancaster) (see Appendix "A"), in order to permit general office uses. The proposal cannot be supported, as the proposal conflicts with the general intent of the "Industrial" policies of the Town of Ancaster Official Plan and the new Urban Hamilton Official Plan; it will add a non-supportive general office use within the core "Industrial" zoned employment lands of the Ancaster Business Park; it will undermine the hierarchical structure of the new Industrial Zoning in Zoning By-law 05-200, which clearly defines, on a restricted basis, where general office uses should be located in the "Prestige Industrial" (M3) Zone and "Business Park Support" (M4) Zone; it will undermine the planned function of the Business Park; it will encourage other similar applications which, if approved, would undermine the intent of the "Industrial" policies of the Town of Ancaster Official Plan and the Urban Hamilton Official Plan; it is not consistent with the Provincial Policy Statement; and it is contrary to the intent of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Alternatives for Consideration - See Page 17.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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 subject property, known as 1295 Cormorant Road, is located on the northeast corner of Cormorant Road and Bittern Street (see Appendix "A"). The applicant placed an offer to purchase the property from the City of Hamilton in 2009 for a proposed industrial and ancillary office development with associated parking and landscaping (see Appendix "B"), and acquired the lands in January 2011. A Site Plan application was submitted and approved in October, 2011 (see Page 3 - Site Plan Application (DA-10-134)).

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 3 of 17

At the time of making the offer to purchase by the applicant in 2009, the property was zoned Light Industrial “M3” Zone in Ancaster Zoning By-law 87-57, which permitted industrial uses and a limited range of commercial uses, but not general office uses. Prior to final purchase and sale, the zoning of the subject property changed to the “General Business Park” (M2) Zone, following enactment of the Industrial Zoning of Hamilton Zoning By-law 05-200, which was approved by Council on May 26, 2010, and came into effect in May 2011. A corresponding amendment to the Ancaster Official Plan was also adopted to, among others, implement the “Employment Area” policies of the new Urban Hamilton Official Plan. The current zoning of the property does not permit general office uses, which is the nature of this application.

Minor Variance Applications (AN/A-11:126 and AN/A-11:198):

The applicant submitted two Minor Variance applications to facilitate the industrial development. Minor Variance Application AN/A-11:126 was approved on July 7, 2011, to eliminate landscaping and planting strip requirements to allow for eave projections for Building “A” onto the property line as a result of the temporary turning bulbs on Bittern Street, and permit light standards in the landscape areas and planting strips for the remainder of the subject property (see Appendix “C”).

Minor Variance Application AN/A-11:198 was approved on September 15, 2011, to permit a minimum 3.0m wide planting strip between the street line and parking spaces, whereas a minimum 3.0m wide landscape strip, together with a minimum 3.0m wide planting strip, is required (see Appendix “D”). These applications became final and binding on July 27, 2011 and October 5, 2011, respectively.

Site Plan Application (DA-10-134)

Final Approval was granted for Site Plan Application DA-10-134 in October, 2011, to facilitate the proposed industrial and ancillary administrative office development. Based on the approved Site Plan, the subject property consists of three buildings, with loading space in the rear of the buildings, and associated parking and landscaping surrounding the subject property (see Appendix “B”). Buildings “A” and “B” consist of two one-storey planned business centre buildings. The third building consists of two warehousing units (Buildings “C” and “D”), and Building “E”, which is a three-storey building, for the purposes of housing ancillary and administrative industrial offices for the attached warehousing units. The breakdown of each Building is as follows:

| | |
|--------------|--------------|
| Building “A” | 4,460 sq. m. |
| Building “B” | 3,087 sq. m. |
| Building “C” | 4,112 sq. m. |
| Building “D” | 4,273 sq. m. |
| Building “E” | 3,735 sq. m. |

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 4 of 17

Currently, Buildings “C”, “D”, and “E” are nearing completion, whereas construction has not commenced for Buildings “A” and “B”. Bittern Street and Cormorant Road currently terminate to the west and east, respectively, of the subject property, and will be extended upon the development of vacant industrial lands east of the subject property. Temporary turning bulbs have been constructed at the terminus of these streets, which provide necessary access to the subject property (see Appendix “B”).

In 2012, the owner inquired as to zoning rights respecting general office uses in order to consider a potential tenant in portions of Building “E”. However, it was determined that the current “General Business Park” (M2) Zone does not permit general office uses. Accordingly, the applicant is requiring approval to add general office uses as an additional use.

Chronology:

- October 6, 2011: Final Approval of Site Plan Application DA-10-134.
- September 23, 2012: Application ZAR-12-033 is deemed complete.
- October 12, 2012: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all property owners within 120m of the subject lands.
- February 1, 2013: Circulation of Notice of Public Meeting to all property owners within 120m of the subject lands.

Details of Submitted Application:

Location: 1295 Cormorant Road (Ancaster)

Owner/Applicant: 1449814 Ontario Inc.

Agent: Vahe Kouyoumdijian

Property Description:

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|------------------------|----------------|
| <u>Lot Frontage:</u> | 221.5m |
| <u>Lot Depth:</u> | 388.1m |
| <u>Total Lot Area:</u> | 41,736.4 sq. m |

EXISTING LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------------------|--|--------------------------------------|
| <u>Subject Lands:</u> | Proposed Industrial and Ancillary Administrative Office Uses (Under Construction) | “General Business Park” (M2) Zone |
| <u>Surrounding Lands:</u> | | |
| North | Industrial/Warehousing and Ancillary Administrative Office Use | “General Business Park” (M2) Zone |
| South | Industrial/Warehousing and Ancillary Administrative Office Use | “General Business Park” (M2) Zone |
| East | Agricultural | “General Business Park” (M2) Zone |
| West | Industrial/Warehousing and Ancillary Administrative Office Use | “General Business Park” (M2) Zone |

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| POLICY IMPLICATIONS |
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Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The following policies from the PPS are applicable to the proposed application:

- “1.1.1 Healthy, liveable, and safe communities are sustained by:
 - a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

- b) Accommodating an appropriate range and mix of residential, employment (including industrial and commercial uses), recreational, and open space uses to meet long-term needs.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) Providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term demands;
- b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) Planning for, protecting and preserving employment areas for current and future uses; and,
- d) Ensuring the necessary infrastructure is provided to support current and projected needs.”

The proposed general office use is not consistent with the above policies, as the intent is to protect and preserve employment areas for current and future industrial uses within the City, and to provide employment and business opportunities with respect to manufacturing, warehousing, or other industrial uses. The general office use would undermine the ability to protect and preserve core industrial zones within employment areas, and compromise the opportunity for a diversified economic base and investment in industrial growth. Opportunities currently exist within the Ancaster Business Park to locate general offices on lands along the periphery of the Ancaster Business Park such as Wilson Street West, Trinity Road South, and Shaver Road where lands are zoned “Prestige Industrial” (M3) Zone and the “Business Park Support” (M4) Zone. It is intended that offices locate within these zones, and also other locations such as the Ancaster Wilson Street Secondary Plan area, other Business Parks, nodes and corridors, and Downtown Hamilton.

Based on the foregoing, the proposal to permit general office use is not consistent with the Provincial Policy Statement.

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

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-Up Area, as defined in the Places to Grow Growth Plan. The intent of Policy 1.2.2 is to provide a vision to municipalities within the Greater Golden Horseshoe, and includes the following policies:

“1.2.2 The vision for the GGH (Greater Golden Horseshoe) is grounded in the following principles that provide the basis for guiding decisions on how land is developed, resources are managed, and public dollars are invested:

- Build compact, vibrant, and complete communities;
- Plan and manage growth to support a strong and competitive economy; and,
- Provide for different approaches to managing growth that recognizes the diversity of communities in the GGH.”

2.2.6.2a) Providing for an appropriate mix of employment uses including industrial, commercial, and institutional uses to meet long term needs;

2.2.6.2b) Providing opportunities for a diversified economic base, including maintaining a range of choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and,

2.2.6.2c) Planning for, protecting and preserving employment areas for current and future uses.”

The proposal does not conform to Policy 1.2.2 with respect to planning and managing growth to support a strong and competitive economy; Policy 2.2.6.2b) with respect to maintaining a range of choice of suitable sites for employment uses and take into account the needs of existing and future businesses; and, Policy 2.2.6.2c) with respect to the protection and preservation of employment areas for current and future uses.

The proposed development would utilize lands intended for industrial use rather than preserving employment areas for future industrial uses. Furthermore, it would undermine the intent of the Industrial Zoning of Hamilton Zoning By-law 05-200 and the planned function of the Business Park. Such commercial uses are more appropriately located in other locations, such as lands within the perimeter of the Ancaster Business Park that are zoned “Prestige Business Park” (M3) Zone, and the “Business Park Support” (M4) Zone where offices are currently permitted, Downtown Hamilton, and

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 8 of 17

other nodes and corridors, as permitted through the Ancaster Official Plan and the Urban Hamilton Official Plan.

Based on the foregoing, the application to permit general office uses does not conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Hamilton-Wentworth Official Plan:

The subject property is designated “Business Parks” in the Hamilton-Wentworth Official Plan. Section 3.1.3 identifies that the main function of “Business Parks” is to accommodate firms which require relatively low-density sites with the locational advantages that come from being in a particular Business Park. In addition, it is the intent that Business Parks augment rather than compete with other employment areas in the region, including established retail and commercial areas. Sections 3.1.3.1 and 3.1.3.2 of the Official Plan permit a range of employment uses in Business Parks, namely:

- “3.1.3.1a) A full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses;

- 3.1.3.2 Permit in Business Parks grouped commercial uses of retail or service nature such as banks, restaurants, and professional offices that will not adversely affect established and/or retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the Business Parks.”

Based on the foregoing, the proposal conflicts with the intent of the Plan to direct offices to locations along major roads or in designated commercial nodes within Business Parks. In this regard, the proposal is to locate general offices in the interior of the Ancaster Business Park where more intensive industrial operations are to be located. However, if approved, the proposal would not necessitate an amendment to the Plan.

Town of Ancaster Official Plan:

The subject property is designated “Industrial” on Schedule “B”, Land Use - Urban Area, in the Town of Ancaster Official Plan and, as such, the following policies apply:

- “4.6.1.1 The following uses shall be permitted on lands designated “Industrial” on Schedule “B”:

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 9 of 17

- i) Manufacturing, warehousing, repair service, building or contracting supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation;
- 4.6.1.3 Office uses shall be limited in function, scale, and type, and shall be limited in size through the Zoning By-law; and,
- 4.6.6 Mixed Industrial uses shall be encouraged to develop in Industrial Business Parks located outside the residential and commercial areas, minimizing potential land-use conflicts and ensuring a co-ordinated and comprehensive development.
- 5.5.2i) Encouragement shall be given to locating those uses which require highway exposure, such as showcase or other industries adjacent to major roads on the periphery of the subject lands. It is further intended that such industries will promote and enhance the park-like setting of the area when viewed from major roads.”

Based on the above policies, offices may be permitted under the “Industrial” designation. However, Section 4.6.1.3 specifies that “office uses shall be limited in function, scale, type, and size through the Zoning By-law”. The purpose of this restriction is to preserve and protect employment lands for current and future economic demands, to protect lands designated “Industrial” for employment uses, and to recognize that office uses should not be the dominant land use within the “Industrial” designation. This is achieved through the implementation of Industrial Zoning in By-law 05-200 with respect to the locational restriction of offices to the “Prestige Business Park” (M3) Zone and “Business Park Support” (M4) Zone, and size restrictions of general office uses to 3,000 sq. m per building.

In order to implement Policy Section 4.6.6 and 5.5.2i), a hierarchical structure was created for the new Industrial Zoning of Hamilton Zoning By-law 05-200, which was applied to Employment Areas, including the Ancaster Business Park. Generally, the interior of the Employment Areas allows for a wide range of employment uses, and the exterior lands permit a lighter range of industrial and transitional/supportive uses. The intent of this approach is to promote compatibility between Employment Areas and adjacent sensitive land uses.

Based on the foregoing, the proposal is a permitted use within the “Industrial” designation. However, it conflicts with the intent of the Ancaster Official Plan to restrict the location, size, and function of office uses, as articulated within the Industrial Zoning of Hamilton Zoning By-law 05-200, and would undermine the general intent and planning function of the Ancaster Business Park. However, if approved, it would not necessitate an Official Plan Amendment.

Urban Official Plan

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board (OMB), and is not yet in force and effect.

The subject lands are designated “Employment Areas” on Schedule E - Urban Structure and “Business Park” on Schedule E-1 Urban Land Use Designations. The following policies apply:

- “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

- E.5.1.4 Protect lands designated “Employment Area” from non-employment uses, and to support the employment functions of the City’s Downtown, nodes and corridors. New major retail uses shall be prohibited, and office uses shall be restricted in function and scale; and,

- E.5.1.5 Minimize land use conflicts between heavy industrial uses and sensitive land uses.

- 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 prestige employment area;

- E.5.4.3 The following uses shall be permitted on lands designated Employment Area - Business Park on Schedule E-1 - Urban Land Use designation:
 - a) Manufacturing, warehousing, repair service, building or contracting supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation.

 - 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.”

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 11 of 17

As previously noted, the foregoing policies have been implemented through the new Industrial Zoning of Hamilton Zoning By-law 05-200, which restricts the location of general office uses to the periphery of the employment areas, including the Ancaster Business Park, while the interior allows for more intensive industrial uses.

In this regard, minimum urban design standards are required for the interior employment lands (i.e. "General Business Park" (M2) Zone), as more intensive industrial uses require less restrictive requirements in landscaping, outdoor storage, and setback. However, higher urban design standards are required for the periphery of the employment lands (i.e. "Prestige Business Park" (M3) Zone). On exterior lands, buildings are required to be brought forward to the property line with minimum and maximum setbacks, bigger landscaped areas, and restrictions on outdoor storage to minimize visual clutter to create a professional Business Park environment.

The proposal conflicts with the intent of the Plan to restrict the function and scale of office uses, as articulated in Hamilton Zoning By-law 05-200, and to minimize land use conflicts between more intensive industrial uses in the interior of employment areas from sensitive land uses on the periphery of the employment lands. However, should Council approve the application, an Official Plan Amendment would not be required.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the proposed application:

- Taxation Division, Corporate Services Department.
- Recreation Division, Community Services Department.
- Water and Wastewater Division, Public Works Department.
- Waste Management Division, Public Works Department.
- Corridor Management, Public Works Department.
- Hamilton Municipal Parking System.
- Hydro One.

Hamilton Street Railway (HSR):

The HSR Route #44 runs along Cormorant Road, with bus stops located adjacent to the subject property. The location of the temporary cul-de-sac is currently used by HSR bus operators as a turn-around to begin their eastbound trips. The change to the location of the cul-de-sac would require the HSR to change the bus route, or possibly eliminate bus routing in the immediate area until construction of the Cormorant Road extension is complete.

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 12 of 17

Public Consultation:

In accordance with Council's Public Participation Policy, a Notice of Complete Application was circulated to 29 property owners within 120m of the subject property on October 12, 2012. To date, no letters of objection have been received from the public as a result of the application. A Public Notice Sign was also posted on the subject lands at that time.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed amendment to Hamilton Zoning By-law 05-200, to permit general offices within an existing industrial development, does not have merit and cannot be supported for the following reasons:
 - (i) The proposal is not consistent with the Provincial Policy Statement, and does not conform to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) The proposal will add non-supportive general office use within Employment Lands of the Ancaster Business Park, which would undermine the general intent and planning function of the new Industrial Zones under Zoning By-law 05-200; and,
 - (iii) The proposal would encourage other similar applications which, if approved, would undermine the intent of the "Industrial" policies of the Ancaster Official Plan and the New Urban Hamilton Official Plan, and implementing Industrial Zoning in By-law 05-200.

2. The Industrial land use policies in the Ancaster Official Plan were amended in April 2010, in order to bring the policies into conformity with Provincial policies such as the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and prior to bringing forth the Industrial Zoning of Hamilton Zoning By-law 05-200, which was approved by Council in May 2010, and came into effect in May 2011.

OPA 130 amended existing Industrial policies within, among others, the Ancaster Official Plan to implement the "Employment Area" policies in the new Urban Hamilton Official Plan, and to provide consistency to the Provincial Policy Statement and conformity to the Places to Grow Growth Plan with respect to the protection and preservation of employment lands for current and future uses, and

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 13 of 17

providing a mix of industrial and non-industrial employment opportunities for a diversified economy. These amendments are summarized as follows:

- The range of permitted uses within employment lands has been scoped to be consistent with the Urban Hamilton Official Plan;
 - Prohibit major retail and residential uses from locating in employment lands;
 - The range of permitted office uses will be limited with respect to its function, scale, and type;
 - Limit the size and function of retail establishments within employment land; and,
 - Restricting the location of ancillary uses.
3. The current owner placed an offer to purchase the subject property from the City of Hamilton in 2009. However, the closing of the sale was delayed until the completion of municipal servicing in the surrounding area and final grading of the property. Final closing occurred in early-2011. At the time of the offer to purchase in 2009, the property was zoned Light Industrial “M3” Zone under the Ancaster Zoning By-law, which permitted, among other uses:
- Manufacturing;
 - Warehousing;
 - Wholesale Establishments;
 - Transportation and Truck Terminals;
 - Other Industrial Uses;
 - Non-Retail Commercial Uses;
 - Lumber and Building Materials Yards;
 - Motor Vehicle Gasoline Bars, including Servicing of Motor Vehicles;
 - Restaurants;
 - Banks and Convenience Stores;
 - Public Uses and Operations;
 - Communication Facilities;
 - Union Halls;
 - Recreation Facilities;
 - Existing Agricultural Uses, except Poultry Farms, Mushroom Farms, Fur Farms, Piggeries, and Greenhouses; and,
 - Uses, Buildings, and Structures accessory to the foregoing.

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 14 of 17

The above permitted uses include limited commercial uses that cater to local businesses and employees within the “Industrial” zone, such as recreational facilities, motor vehicle gasoline bars, banks, and convenience stores. Under the former Light Industrial “M3” Zone, general offices were not a permitted use, and a Zoning By-law Amendment application would have been required to permit the proposed general office use.

4. The Industrial Zoning of Hamilton Zoning By-law 05-200 was approved by Council in May, 2010, and came into force and effect in May, 2011; however, its zoning provisions were retroactive to the date of the passage of the Zoning By-law by Council. The “General Business Park” (M2) Zone permits the following uses:

- Animal Shelter;
- Building and Lumber Supply Establishment;
- Building or Contracting Supply Establishment;
- Children’s Play-Gym;
- Commercial Motor Vehicle Sales, Rental and Service Establishment;
- Communications Establishment;
- Contracting Establishment;
- Courier Establishment;
- Equipment and Machinery Sales, Rental and Service Establishment;
- Gymnastics Studio;
- Industrial Administrative Office;
- Laboratory;
- Labour Association Hall;
- Landscape Contracting Establishment;
- Manufacturing;
- Motor Vehicle Collision Repair Establishment;
- Private Power Generation Facility;
- Repair Service;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson’s Shop;
- Transport Terminal;
- Warehouse; and,
- Waste Processing and Transfer Facility.

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 15 of 17

The permitted uses under this zone place greater emphasis on permitting primarily industrial uses and other uses that support industrial activities and its employees (i.e. Labour Association Hall). This is also achieved through size restriction of Surveying, Engineering, Planning, or Design Business offices (i.e. maximum 10,000 sq. m).

Previous limited commercial uses under the former Ancaster Zoning By-law, such as banks, convenience stores, restaurants, and motor vehicle service stations are no longer permitted, as these non-industrial uses have been determined to be more suitable in commercial zones. In addition, limiting non-industrial uses, such as general office to the periphery of the Ancaster Business Park, ensures that employment lands are protected and preserved for current and future demand of industrial uses.

The “General Business Park” (M2) Zone permits industrial administrative office, and surveying, engineering, planning, and design offices, and are defined as follows:

“Industrial Administrative Office: Shall mean an office for the management of administration of Manufacturing establishments;

Surveying, Engineering, Planning, and Design: Shall mean the use of land, building, or structure, or part thereof, in which professionals in the field of surveying, engineering, planning, or design provide technical consultation, analysis, advisory, or administrative service.”

Industrial administrative offices provide administrative office support for the parent industrial operations for the daily management of the industrial operations. Surveying, engineering, planning, and design offices are permitted in this zone, as these firms often require outdoor storage for equipment, whereas such outdoor storage is not permitted in the Prestige Business Park (M3) Zone and the Business Support (M4) Zone, and they provide support for other industrial uses permitted as-of-right.

5. The intent of the Industrial Zone is to provide a clear distinction between the interior and periphery of employment lands. The effect of the new zoning on interior portions of the Business Park is to allow for a wide range of industrial uses, while the periphery of the Business Park is for a lighter range of industrial uses and support/transitional uses. This transitional approach reduces the potential negative effects of industrial operations from lands just outside of the Business Park. Such transitional uses include general office uses, where a higher level of urban design, landscaping, and less restrictive setbacks, creates a more park-like setting and a sense of prestige for the Business Parks. Creating a

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 16 of 17

transitional area also achieves required minimum separation distance between more intensive industrial uses and non-industrial uses. This hierarchical structure has been created based on the following:

- The “Prestige Business Park” (M3) Zone and the “Business Park Support” (M4) Zone are generally located along the periphery of “employment areas”, including the Ancaster Business Park, to allow for industrial and non-industrial uses within a Business Park setting with more generous landscaping, additional restrictions on outdoor storage, and reduced setback requirements. Permitted uses include general office, hotel, laboratory, manufacturing, warehousing, and research and development establishment. Landscaping and overall design of the streetscape is important to provide a desired prestige park-like setting with limited outdoor storage along major roads such as Shaver Road and Trinity Road, and provide a transition between intensive industrial uses in the interior of the Business Park, and land uses outside of the Business Park. However, the gross floor area of office uses is restricted to 3,000 sq. m per building to maintain a more balanced mix of industrial and general office uses.
- The “General Business Park” (M2) Zones are located primarily in the interior of the Ancaster Business Park to allow for more intensive uses to be located away from the periphery of the Business Park. The zone permits primarily industrial uses with offices limited to ancillary industrial administrative offices and surveying, engineering, planning, and design office uses. This zone is limited to the interior of the Business Park to mitigate potential land use conflicts between intensive industrial activities and non-industrial uses. This zone has minimal urban design requirements, allowing for greater flexibility in the usage of the properties.

As general offices are a non-industrial use and do not provide direct support services to industrial operations, it is the opinion of staff that general office uses should more appropriately be located in the “Prestige Business Park” (M3) Zone and “Business Parks Support” (M4) Zone, where general office uses are permitted as-of-right.

Based on the foregoing, the proposed general office use cannot be supported, as the application would undermine the intent of the new Industrial Zoning of Hamilton Zoning By-law 05-200 and the planned function of employment lands.

SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) - Page 17 of 17

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands can continue to be developed for the uses permitted under the “M2” Zone, and as contemplated under the approved Site Plan.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

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

- ◆ Competitive business environment.

Social Development

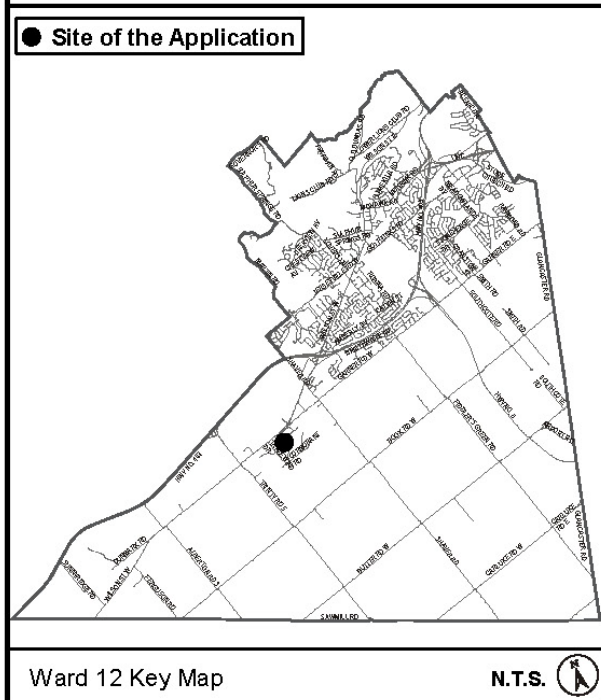
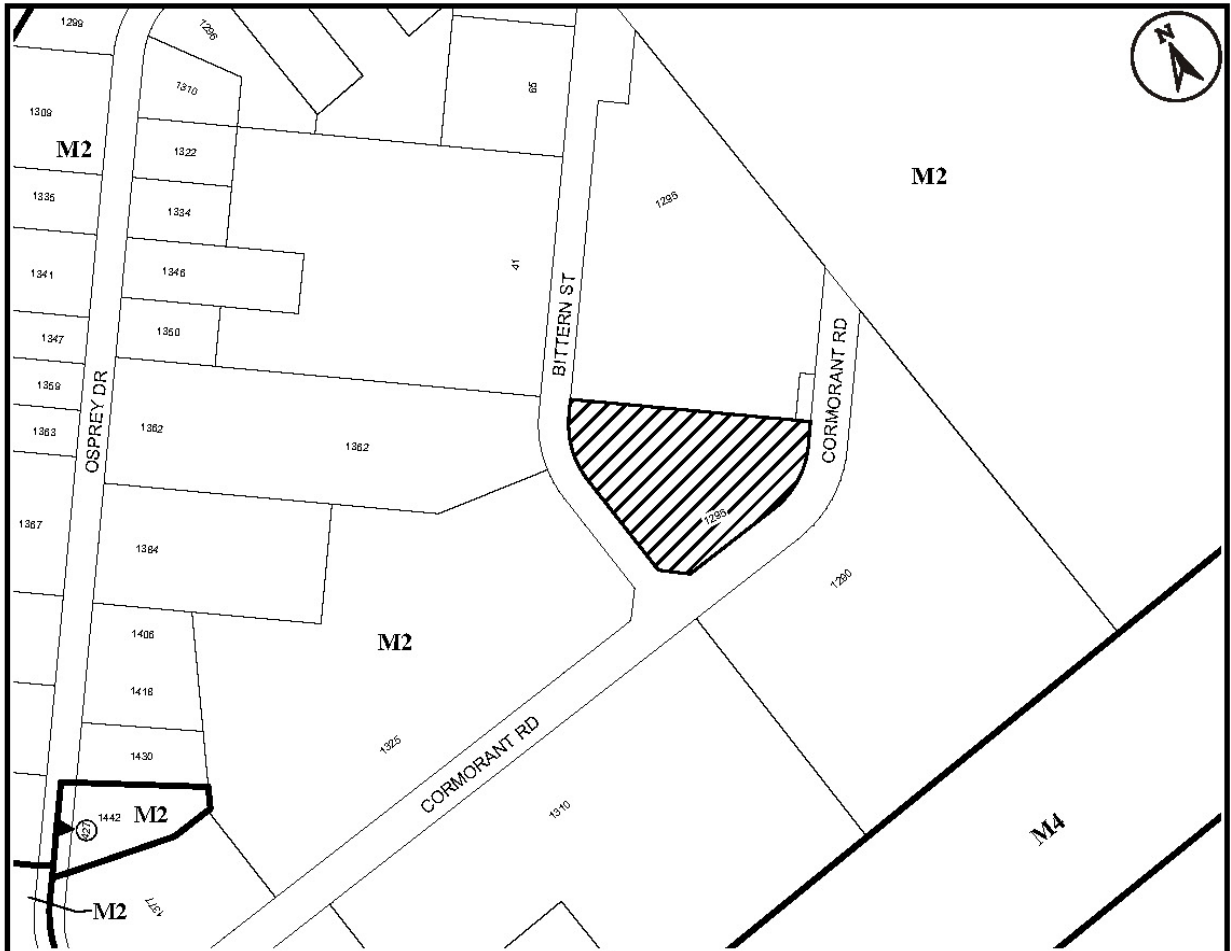
- ◆ Hamilton residents are optimally employed earning a living wage.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Site Plan DA-10-134
- Appendix “C”: Minor Variance Application AN/A-11:126
- Appendix “D”: Minor Variance Application AN/A-11-198


:TL

Attachs. (4)




Location Map


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

| | |
|--|----------------------------------|
| File Name/Number: ZAR-12-033 | Date: October 10, 2012 |
| Appendix "A" | Scale: N.T.S. |
| Planner/Technician: TL/NB | |

Subject Property

 1295 Cormorant Road

N.T.S. 



COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-11:126
SUBMISSION NO. A-126/11

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-law 05-200 as amended by By-law 10-128, of the City of Hamilton (formerly Ancaster), Sections 3, 5 and 9.2.

AND IN THE MATTER OF the Premises known as Municipal number 1295 Cormorant Road, formerly in the Town of Ancaster, now in the City of Hamilton and in an **"M2" (General Business Park)** district;

AND IN THE MATTER OF AN APPLICATION by the agent Vahe Kouyoumdjian on behalf of the owner 1449814 Ontario Inc., for relief from the provisions of the Zoning By-Law No. 87-57, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the development of the lot for four (4) industrial buildings notwithstanding that:

- 1) A minimum yard abutting a street of 1.5m, with further eave projection, shall be provided for Building A abutting Block K (Bittern Street) instead of the minimum required yard abutting a street of 3.0m;
- 2) No landscaped area shall be provided for the portion of the lot abutting Block K and for the portion of the lot abutting the City owned parcel of land composed of a temporary cul-de-sac on Cormorant Road instead of the minimum required 3.0m wide landscaped area;
- 3) No planting strip shall be provided for the portion of the lot abutting Block K and for the portion of the lot abutting the City owned parcel of land composed of a temporary cul-de-sac on Cormorant Road instead of the minimum required 3.0m wide planting strip where a parking space, aisle or driveway is located in a yard abutting a street, except for points of ingress and egress; and,
- 4) Light standards shall be allowed in the required landscaped areas and planting strips notwithstanding that light standards are not permitted in required landscaped areas and planting strips.

NOTE: The variances are necessary to facilitate Site Plan Application DA-10-134.

THE DECISION OF THE COMMITTEE IS:


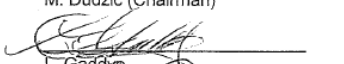

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

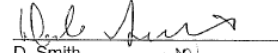

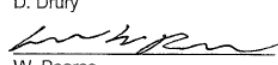
1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

That the said application is **GRANTED** subject to the following condition:

1. That variances 1-3 expire within 1 year of the date of the completion of the extension of Bittern Street and Cormorant Road.

DATED AT HAMILTON this 7th day of July, 2011.


M. Dudzic (Chairman)

L. Gaddy

I. Dunlop


D. Smith

D. Drury

W. Pearce

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **July 27th, 2011**.

NOTE: This decision is not final and binding unless otherwise noted.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424 ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-11:198
SUBMISSION NO. A-198/11

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Hamilton Zoning By-Law No. 05-200, of the City of Hamilton (formerly Ancaster), Sections 3, 5 and 9.2.

AND IN THE MATTER OF the Premises known as Municipal number 1295 Cormorant Road, formerly in the Town of Ancaster, now in the City of Hamilton and in an "**M2**" (**General Business Park (M2) zone**) district;

AND IN THE MATTER OF AN APPLICATION by the agent Vahe Kouyoumdjian on behalf of the owner 1449814 Ontario Inc., for relief from the provisions of the Zoning By-Law No. 87-57, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the development of the lot for four (4) industrial buildings notwithstanding that a minimum 3.0m wide planting strip shall be provided and maintained between the street line and the parking spaces, except for points of ingress and egress, instead of the minimum required 3.0m wide landscape area abutting a street together with a 3.0m wide planting strip abutting a street and between the parking spaces, aisles and driveway and street, except for points of ingress and egress.

NOTES:



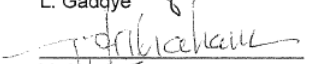
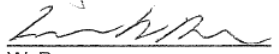
- i) The variances are necessary to facilitate Site Plan Application DA-10-134.
- ii) The previous minor variances granted by Committee of Adjustment AN/A-11:126 are still applicable and are also intended.



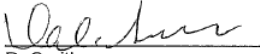
THE DECISION OF THE COMMITTEE IS:

That the variance, as set out in paragraph three above, is **GRANTED** for the following reasons:

- 1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.
- 2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
- 3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 15th day of September, 2011.


M. Dudzic (Chairman)

L. Gaddy

V. Abraham

W. Pearce


D. Drury

D. Serwatak

D. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **October 5th, 2011**.

NOTE: This decision is not final and binding unless otherwise noted.