SUBJECT: Application for a Modification in Zoning for the Property Located at 105 Nebo Road (Hamilton) (PED06093) (Ward 6)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-05-126, by the Elementary Teachers’ Federation of Ontario Hamilton-Wentworth Building Corporation, owner, for a further modification to the “M-14” (Prestige Industrial) District, Modified, to permit a Labour Organization, a Professional Membership Association, and Business and Professional Offices as additional permitted uses for the property located at 105 Nebo Road (Hamilton), as shown on Appendix “A” to Report PED06093, on the following basis:

(a) That the draft By-law, attached as Appendix “D” to Report PED06093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the Official Plan of the City of Hamilton.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for a modification in zoning to permit a Labour Organization, a Professional Membership Association, and Business and Professional Offices as additional uses within an existing building. The proposed modification in zoning has merit and can be supported since it conforms to the “Industrial” designation of the City of Hamilton Official Plan, and is compatible with uses in the surrounding area.

BACKGROUND:

Proposal

Hamilton-Wentworth Elementary Teachers’ Local has applied for a modification in zoning to permit a Labour Organization, a Professional Membership Association, and Business and Professional Offices within the existing building on the subject property located at 105 Nebo Road (See Appendix “A”). The existing building is located on the southeast corner of Nebo Road and Hempstead Drive.

The site was developed in 1981 under Site Plan Control (DA-81-54) (see Appendix “B”) as a food wholesaler. In 1990, the zoning was modified to permit an accessory restaurant (Giovanni’s Casa) with a maximum seating capacity of 30 persons. The Hamilton-Wentworth Elementary Teachers’ Local is currently located on a nearby property and purchased the subject property in 2005.

The existing building would be renovated internally with no external changes to include a meeting room that can accommodate one hundred persons, a meeting room that can accommodate fifteen persons, and two offices. Twenty-six parking spaces can be provided on-site (see Appendix “B”).

Location: 105 Nebo Road (Hamilton)

Owner/Applicant: Elementary Teacher’s Federation of Ontario Hamilton-Wentworth Building Corporation

Property Description: Frontage: 37.5m
Depth: 60.94m
Lot Area: 2163sq.m

Servicing: Full municipal services
EXISTING LAND USE AND ZONING:

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<td>Subject Lands</td>
<td>Restaurant</td>
<td>“M-14/S-1181” (Prestige Industrial, Etc.) District</td>
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<td>North</td>
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<td>West</td>
<td>Industrial uses</td>
<td>“M-14” (Prestige Industrial, Etc.) District</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   (i) The proposed change in zoning conforms with the “Industrial” and “Special Policy Area 11” designation of the City of Hamilton Official Plan.
   (ii) The proposed change in zoning provides flexibility in use and allows for an adaptive re-use. Business retention is important to the economic well-being of this community.
   (iii) The proposed Labour Organization, Professional Membership Association, and Business and Professional Offices are compatible as they would be located in an existing building in a prestige industrial area that includes many wholesale retail businesses and bakeries.

2. There are municipal watermains and sanitary sewers available to service the subject lands, and no road widenings are anticipated on any of the municipal roads adjacent to the subject lands.

3. One response to the public circulation was received from the property owner at 195 Hempstead Drive, expressing concern about the parking associated with the proposed use (Appendix “C”). Further information regarding the concern was obtained through a follow up telephone call. Their concern is due to the Hamilton-Wentworth Elementary Teacher’s Local proposing a meeting room that can accommodate up to 100 people, while only providing twenty parking spaces. In the past, Local members have parked on private property during normal business hours; as the current location of the Hamilton-Wentworth
Elementary Teachers’ Local is nearby. The property owner has no issue with union members parking at 195 Hempstead after normal business hours.

The Hamilton Zoning By-law requires one parking space for every six persons that can be lawfully accommodated; on this basis a minimum of twenty parking spaces are required \((115/6)\), whereas, twenty-six parking spaces (see Appendix “B”) can be provided. Upon discussion with a representative of the Hamilton-Wentworth Elementary Teachers’ Local, they have secured permission to use parking lots on adjacent properties for any overflow parking, and to issue a notice to their members indicating where they are permitted to park.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is not approved, the lands could only be used for the range of uses permitted uses under the current modified “M-14” Zone, including an accessory restaurant.

**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.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The subject application is consistent with the principles and policies of the PPS.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban / Business Park” 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. As well, Policy 3.1.3.1 (a) states that Business Parks are intended to accommodate a full range of manufacturing, construction, wholesale establishments, truck terminals, and office development associated with these uses.

Therefore, as the nature of the application is for the modification of the existing zoning to allow for an additional use within an existing building, the proposal conforms with the Hamilton-Wentworth Official Plan policies.
City of Hamilton Official Plan

The subject property is designated “Industrial” on Schedule ‘A’ – Land Use Concept, and as “Special Policy Area 11” on Schedule “B-3”, in the City of Hamilton Official Plan. The following policies, among others, are applicable to the proposed development:

“A.2.3.1 The primary uses permitted in the areas designated on Schedule “A” as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment.

iii) Uses which have characteristics or functional requirements similar to Industries.

vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule “B” and “B-3” as Special Policy Area 11 and Special Policy Area 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply. Notwithstanding the foregoing, for those lands which are:

i) shown on Schedule “B” and Schedule “B-3” as Special Policy Area 11 and Special Policy Area 11a, in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted.”

Based on the foregoing, the proposal conforms to the “Industrial” and “Special Policy Area 11” designation of the Official Plan.

Neighbourhood Plan

The subject lands are designated “Restricted Industrial (M-14 and M-15)” in the East Mountain Industrial Business Park Neighbourhood Plan. The proposal conforms to the Neighbourhood Plan.
RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Corporate Services Department (Budgets Section).
- Public Works Department (Traffic Engineering and Operations Section).
- Public Works Department (Forestry and Horticulture Section).
- Economic Development Division.
- Bell Canada.

PUBLIC CONSULTATION

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, this application and notice of Public Meeting was circulated to all property owners within 120 metres of the subject property. A total of twenty-five notices were circulated. Only one comment was received (See Appendix “C”), which is discussed in the Analysis/Rationale Section of this report.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

_Community Well-Being is enhanced._ ☑ Yes ☐ No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

_Environmental Well-Being is enhanced._ ☑ Yes ☐ No
Human health and safety are protected.

_Economic Well-Being is enhanced._ ☑ Yes ☐ No
A skilled, innovative and diverse workforce is attracted and retained.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:KW
Attachs. (4)
Approved Site Plan for 105 Nebo Road

6 parking spaces

5 parking spaces
January 27, 2006

Matthew Johnston, Planner II
City of Hamilton
Planning and Economic Development Department

Reference: Zoning By-law No. 6593
105 Nebo Road
File: Zar-05-126

Dear Sir:

We received your preliminary circulation regarding the above application.

Lancaster Sheet Metal Ltd. is our tenant at 195 Hempstead Drive. We have no problem with the proposed amendment to allow offices as an additional permitted use.

However, we would respectfully request that parking be restricted to normal office use.

Please give me a call if you have any questions.

Yours truly,

368769 ONTARIO LIMITED

Lorne Hubber
President

LH/kac
By fax: 905 540 6142

cc. Councillor Tom Jackson
WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report 06- of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That the “M-14” (Prestige Industrial) District provisions, as contained in Section 17F of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries
of which are shown on a plan hereto annexed as Schedule “A”, are further modified to the extent only of the following special requirement:

(a) that notwithstanding Subsections 17F(1)(a) and 17F(1)(b) of Zoning By-law No. 6593, a Labour Organization, Professional Membership Association and Business or Professional Offices shall also be permitted.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-14" (Prestige Industrial) District, provisions, subject to the special requirements referred to in Section 1 of this By-law, and in Section 1 of By-law No. 90-221.

3. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1181a.

4. Sheet No. E-120 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1181a.

5. 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.

PASSED and ENACTED this day of , 2006.

MAYOR

CLERK

ZAC-05-126
Further modification of the “M-14” (Prestige Industrial) District