TO: Chair and Members  
Economic Development and Planning Committee  

WARD(S) AFFECTED: WARD 6

COMMITTEE DATE: September 7, 2010

SUBJECT/REPORT NO:  
Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 4 Trinity Church Road (Hamilton) (PED10189) (Ward 6)

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:  
Danielle Fama  
(905) 546-2424, Ext. 4148

SIGNATURE:

RECOMMENDATION:

That approval be given to Zoning Application ZAC-10-024, by Trinity United Church, Owner, for changes in zoning to Hamilton Zoning By-law No. 6593 from the “AA” (Agricultural) District to the “G-3/S-1637” (Public Parking Lots) District, with a Special Exception, in order to permit a parking lot with 37 parking spaces for Trinity United Church (located at 10 Trinity Church Road), as shown on Appendix “A” to Report PED10189, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10189, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

(c) That the implementing By-law not be presented to Council for enactment until such time as the following is completed:

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EXECUTIVE SUMMARY

The purpose of this application is to amend the Hamilton Zoning By-law in order to permit the development of the subject lands for a parking lot with 37 parking spaces for Trinity United Church (located at 10 Trinity Church Road) (see Appendix “C”).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 12.

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

Background

The subject lands are also subject to Site Plan Application DA-10-075 (see Appendix “C”). This application is on hold, pending the outcome of the proposed Zoning By-law Amendment.

Proposal

The applicant has applied to rezone the lands from the “AA” (Agricultural) District to the “G-3/S-1637” (Public Parking Lots) District, Modified, in order to permit a parking lot with 37 parking spaces for Trinity United Church (located at 10 Trinity Church Road).
The applicant has requested the following modifications to the "G-3" (Public Parking Lots) District:

- No visual barrier will be provided adjacent to a residential use or district;
- Reduce the minimum required parking stall size from 2.7 metres wide by 6.0 metres long to 2.6 metres wide by 5.5 metres long;
- Reduce the minimum required parking stall size for a barrier-free parking space;
- Reduce the minimum access driveway from 5.5 metres to 5.4 metres; and,
- Permit two parking spaces to be located within the landscape strip.

The proposed modifications are discussed in the Analysis/Rationale for Consideration section of this Report.

Details of Submitted Applications

<table>
<thead>
<tr>
<th>Location</th>
<th>4 Trinity Church Road, Hamilton</th>
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</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Trinity United Church</td>
</tr>
<tr>
<td>Applicant</td>
<td>Multi-Area Developments</td>
</tr>
<tr>
<td>Property Size</td>
<td>Area: 2,226.22 square metres</td>
</tr>
<tr>
<td></td>
<td>Frontage: 20.12 metres</td>
</tr>
<tr>
<td></td>
<td>Flankage: 71.71 metres</td>
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<tr>
<td>Servicing</td>
<td>Full Municipal Servicing</td>
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</table>

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th></th>
<th><strong>Existing Land Use</strong></th>
<th><strong>Existing Zoning</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands:</strong>*</td>
<td>Vacant</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td>(Existing Dwelling</td>
<td>(Existing Dwelling</td>
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<td>Demolished)</td>
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<td><strong>Surrounding Lands:</strong></td>
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<tr>
<td>North</td>
<td>Single-Detached Dwellings</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td>West</td>
<td>Single-Detached Dwelling</td>
<td>“AA” (Agricultural) District</td>
</tr>
</tbody>
</table>

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<table>
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<tr>
<th>South Cemetery Open Space (P4) Zone</th>
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<tbody>
<tr>
<td>East Proposed Commercial General Commercial “C3-249” Zone</td>
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**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 1.3 addresses Employment Areas and states that planning authorities shall promote economic development and competitiveness by:

```plaintext
“a) Providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs;

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.”
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Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that an archaeological assessment, dated April 2010, prepared by Detritus Consulting, was submitted with the subject application. The Assessment has not received sign-off from the Ministry of Culture and, as a result, the Provincial Interest has not been satisfied. As a result, the By-law will be held in abeyance.

Based on the foregoing, the application is consistent with the Provincial Policy Statement.
Places to Grow: Growth Plan for the Greater Golden Horseshoe:

Section 2.2.6 of Places to Grow addresses Employment Lands. In particular, Policy 2.2.6.2 a) states that municipalities will promote economic development and competitiveness by providing for an appropriate mix of employment uses including industrial, commercial, and institutional uses to meet the long-term needs.

The proposal conforms to the policies contained in Places to Grow.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area - Business Park” in the Hamilton-Wentworth Official Plan. Policy C-3.1.3.1 states that Business Parks are to accommodate:

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

b) Service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail - wholesale uses requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores, and automobile dealerships).”

While there are no policies that specifically speak to an institutional use with an associated parking lot located in a Business Park, there are no policies contained within the plan that restricts this type of use. As the church already exists and the proposed parking lot will provide parking for this existing use, it is considered appropriate.

In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, an archaeological assessment was submitted with the subject application. The By-law will be held in abeyance pending Ministry of Culture approval of the submitted assessment.

Based on the foregoing, the application conforms with the policies of the Hamilton-Wentworth Official Plan.

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City of Hamilton Official Plan:

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

“General Provisions

2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking, and service areas will be screened and/or buffered such that noise, light, or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented, as much as practicable, away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses. (O.P.A. No. 46)

2.2.36 The size of advertising, identification, or other promotional signs and devices will be regulated by appropriate By-laws in order to avoid conflicts with effective traffic control and the general amenity of the area. (O.P.A. No. 46)

2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation, and will include adequate space for owners, employees, customers, and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices. (O.P.A. No. 46)

2.2.38 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required it must be demonstrated by the proponent, to the satisfaction of Council, that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use. (O.P.A. No. 46)
2.2.39 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands. (O.P.A. No. 46)

2.2.40.1 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered, and screened, so as to minimize adverse impacts on adjacent Residential Uses. (O.P.A. No. 46)

Section A.5 - General Land Use Provisions

5.1 Notwithstanding SECTIONS A, B, and C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is generally maintained and it is keeping with the intent of development standards set out in this Plan:

ii) places of worship, publicly owned airfields, publicly owned parks and open spaces; and,“

The adjacent property, which is designated “Commercial”, contains an existing single detached dwelling, and is located approximately 60 metres from the proposed parking lot. There will be landscaping provided along the westerly side yard to buffer the parking lot from the residential use. The proposed parking lot will provide parking for Trinity United Church, which is a permitted use in all land use designations and will be more accessible than the current church parking lot which is located on the east side of Trinity Church Road.

Based on the foregoing, the proposal conforms to the policies of the Hamilton Official Plan.

Neighbourhood Plan

The subject lands are designated “Open Space and Recreational” in the East Mountain Industrial Business Park Neighbourhood Plan. An amendment to the approved Neighbourhood Plan will be required to reflect the proposed parking lot.

Urban Hamilton Official Plan

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect. The new Urban Hamilton Official Plan designates the subject lands as “Arterial Commercial” on Schedule “E-1” Urban Land Use designations. The proposal for
parking associated with the Church conforms to the “Arterial Commercial” designation of the new Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Environmental Planning Section, Public Works Department.
- Taxation Division, Corporate Services Department.
- Forestry and Horticulture Section, Public Works Department.
- Waste Management Division, Public Works Department.
- Hydro One.

The Hamilton Conservation Authority (HCA) indicated that the property is located in the south-west corner of Rymal Road East and Trinity Church Road, within the Upper Hannon Creek subwatershed area. The area drains into Hamilton Harbour, and has a remedial Action Plan to restore the health of the Harbour by reducing the amount of sediment entering into the Harbour and Lake Ontario by improving stormwater quality. While the proposed construction of a parking lot will involve a significant increase in the imperviousness of the site, HCA does not require the implementation of stormwater quality control for this development as the lost size is less than 0.25ha. However, as the property is located in close proximity to a tributary of Hannon Creek, the installation of appropriate sediment erosion control measures will be required.

The property is not located within an area regulated by HCA. Therefore, a permit from HCA is not required for the proposed development.

HCA has indicated that they have no objection to the approval of the rezoning application, but has requested that approval of the Site Plan application be conditional on the following:

To show all erosion and siltation control features in detail on a Grading and Drainage Control Plan hereinafter described in Section 3(b); to the satisfaction of the City’s Manager of Engineering Design and Construction and Hamilton Conservation Authority; and to implement all such erosion and siltation control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City’s Manager of Engineering Design and Construction until the site has been fully developed as determined by the City’s Manager of Development Planning.
SUBJECT: Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 4 Trinity Church Road (Hamilton) (PED10189) (Ward 6) - Page 9 of 12

Budgets and Finance Division (Corporate Services Department) has indicated that there is a Best Effort Charge for Summit Park 1 Sanitary Sewer Mainline fee of $5,000.00, and the private drain connection fee of $6,063.38, totalling $11,063.38 payable at site plan approval.

Traffic Engineering and Operations Section (Public Works Department) had no concerns with the change in zoning, however, there were issues with the layout of the parking lot. These concerns will be dealt with through Site Plan Control.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 22 property owners within 120 metres of the subject property on June 21, 2010. A Public Notice sign was also posted on the property on June 23, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, no responses have been received.

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 Hamilton Official Plan;
   (iii) The proposed development is compatible with and complementary to the existing and planned development in the immediate area; and,
   (iv) The proposal implements the “Arterial Commercial” designation in the new Urban Official Plan.

2. The applicant has requested a change in zoning from the “AA” (Agricultural) District to the “G-3/S-1637” (Public Parking Lots) District, Modified. The following modifications have been requested:

   No visual barrier will be provided adjacent to a residential use or district:

   The applicant has requested relief from the requirement for a visual barrier along the westerly side lot line adjacent to the residential district. The adjacent property is designated “Commercial” and the existing dwelling located on the
property is approximately 60 metres from the subject property. A 3.0 metre landscape strip is being provided, which will buffer the parking area from the adjoining district. As a result, staff is of the opinion that the modification is appropriate.

Parking Stall Size:

The applicant has proposed a parking stall size of 5.5 metres long by 2.6 metres wide, whereas the By-law requires a minimum size of 6.0 metres long by 2.7 metres wide. The proposed parking stall size is consistent with the regulations contained in Zoning By-law No. 05-200. As a result, staff is of the opinion that the modification is appropriate.

Access Driveway:

An access driveway having a width of at least 5.5 metres is required for two-way traffic. Through the review of the Site Plan, it was determined that the access driveway on the south side of the property is approximately 5.4 metres. Staff is of the opinion that the reduction is considered minor and is, therefore, supportable.

3. The parking regulations of Zoning By-law No. 05-200 permit parking to be provided off site if it is not possible to locate it on the same property as the use. Section 5: Parking Regulations of Zoning By-law No. 05-200 states:

"i) Required parking facilities shall be located on the same lot as the use requiring parking.

ii) Notwithstanding Subsection i) above, where the provision of parking on the same lot as the use is not possible, or not practical, such parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking. Such alternate parking shall only be situated on a Commercial, Industrial, or Downtown Zone or within the same zone as the use requiring such parking, and shall be subject to Subsection iii) herein.

iii) Where the required parking is provided in accordance with Subsection ii) above, the owners of both lots shall enter into an agreement with the City, to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided."

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The subject lands are designated “Commercial”, and will have commercial zoning once the new commercial zoning is complete. Based on the above noted policy, this commercial zoning would allow parking for the church to be located off site, on the subject lands.

Staff notes that both Trinity United Church and the subject lands are owned by the Church, however, the land located between the church and the proposed parking lot is owned by the City of Hamilton. As a result, the subject Zoning By-law Amendment is required in order to allow for the subject lands to provide parking for the church. The subject lands are designated “Commercial”, which would permit a public parking lot.

A modification to the “G-3” (Public Parking Lots) District will require that the parking located at 4 Trinity Church Road only be used in conjunction with Trinity United Church, located at 10 Trinity Church Road.

4. There is an existing 750mm sanitary sewer and 300mm watermain on Rymal Road East along the frontage of the subject lands, and a 400mm watermain on Trinity Church Road. A new 1350 storm sewer is to be constructed along both of these roadways in the near future (“Summit Park - Phase 5” External Outlet Works).

The lands are lower than the adjacent roadways and are proposed to be raised according to the grades shown on the Site Plan. There are 3 new Catchbasins show on the associated Site Plan. It is assumed that an internal storm sewer system will be constructed to drain the parking lot instead of directing surface flows to the existing roadside ditch on Rymal Road East via grassed swales, which would require on-site stormwater quality control. Private 150mm dual storm and sanitary drain connections to Trinity Church Road are shown on the approved engineering drawings. These approved drains will not be required to be constructed since the clerical dwelling was demolished. The future private storm service will have to be upgraded to a 250mm storm sewer prior to any connections be permitted to the Trinity Road storm sewer, as per City Standards.

The designated road allowance width of Rymal Road East is 36.58m (120 feet) at this location. Trinity Church Road has a designated road allowance width of 26.21m (86 feet) at this location. No additional road widenings are required along these roadways.

All Engineering concerns will be addressed through the conditions of Site Plan approval.
5. Through the Site Plan Control process, a detailed Urban Design Brief will be required demonstrating that the proposed parking lot is in keeping with policies contained in the new Urban Hamilton Official Plan. The Urban Design Brief will also include a plan of the landscaping to demonstrate that parked cars are adequately screened from public view. Pedestrian connections from the public sidewalks into the parking lot should be considered. Equally, the design of the site should demonstrate how the prominence of this site as a corner is also considered such as with a corner landscape feature or structure.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the lands could be developed in accordance with the current “AA” (Agricultural) District" zoning provisions.

**CORPORATE STRATEGIC PLAN**


**Social Development**

- Residents in need have access to adequate support services.

**Environmental Stewardship**

- Natural resources are protected and enhanced.

**Healthy Community**

- Plan and manage the built environment.
- Adequate access to food, water, shelter and income, safety, work, recreation, and support for all (Human Services).

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Site Plan

:DF
Attachs. (3)
Appendix “A” to Report PED10189

Location Map

Subject Property

4 Trinity Church Road, Hamilton

Change in Zoning from the "AA" (Agricultural) District to the "C-3/S-1637" (Public Parking Lots) District, Modified.
CITY OF HAMILTON

BY-LAW NO. __________________________

To Amend Zoning By-law No. 6593 (Hamilton), 4 Trinity Church Road, Hamilton

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 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 Item ______ of Report 10-______ of the Planning and Economic Development Committee, at its meeting held on the ______ day of ______, 2010, 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 Sheet No. E-79E of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “AA” (Agricultural) District to the “G-3/S-1637” (Public Parking Lots) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “G-3” provisions, as contained in Section 13C of Zoning By-law No. 6593, be modified to include the following special requirements:

   (a) That Subsections 13(C)(4) (iii) and 18A (11) and (12) shall not apply to the westerly side lot line;

   (b) That notwithstanding Subsection 18A (7), the minimum parking stall size shall be 5.5 metres long by 2.6 metres wide; and,

   (c) That notwithstanding Section 18A(24)(b), the minimum access driveway shall be a minimum of 5.4 metres.

3. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1637.

4. That 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 “G-3” District provisions, subject to the special requirements referred to in Section 3.

5. That Sheet No. E-79E of the District Maps is amended by marking the lands referred to in Section 1 (a) of this by-law as S-1637.

6. 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.

PASSED and ENACTED this [blank] day of [blank], 2010.

City of Hamilton

______________________________  ________________________________
Fred Eisenberger               Rose Caterini
MAYOR                         CLERK

ZAC-10-024
This is Schedule "A" to By-Law No. 10-
Passed the ........... day of ....................., 2010

Schedule "A"

Map Forming Part of
By-Law No. 10-____
to Amend By-law No.6593

Subject Property
4 Trinity Church Road, Hamilton

Change in Zoning from the "AA" (Agricultural) District
to the "G-3/S-1637" (Public Parking Lots) District,
Modified.