SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 627 Barton Street and 327-333 Fruitland Road (Stoney Creek) (PED06190) (Ward 10)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-06-03, by Multi-Area Developments (Aldo DeSantis), and John and Colette Deveau, owners**, for Official Plan Amendment No.______, to the Official Plan for the former City of Stoney Creek, on the lands municipally known as 327-333 Fruitland Road, as shown on Appendix “A” to Report PED06190, on the following basis:

(i) That Schedule “A”, General Land Use Plan, be amended from “Industrial Business Park” to “General Commercial”.

(b) That approval be given to **Zoning Application ZAC-06-11, by Multi-Area Developments (Aldo DeSantis), and John and Colette Deveau, owners**, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, to further modify the General Commercial “GC-47” Zone, and to change from the Special Purpose Industrial “MSP” Zone to the General Commercial “GC-47” Zone, in order to permit the development of a commercial plaza including a motor vehicle service station/gas bar and car wash on the lands known as 627 Barton Street and 327-333 Fruitland Road, shown as Blocks “1” and “2” respectively on Appendix “A” to Report PED06190, on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED06190, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until an archaeological assessment has been completed to the satisfaction of the Ministry of Culture and the Manager of Development Planning.
SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 627 Barton Street and 327-333 Fruitland Road (Stoney Creek) (PED06190) (Ward 10) – Page 2 of 9

(ii) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.

(iii) That the zoning will be in conformity with the Official Plan for the former City of Stoney Creek upon the approval of Official Plan Amendment No. _____.

______________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of these applications is to permit the comprehensive development of a commercial plaza (see Appendix “B”).

The proposal has merit and can be supported since the change in designation and zoning are consistent with the Provincial Policy Statement, and they conform to the Hamilton-Wentworth Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Stoney Creek Official Plan Amendment and Zoning By-law Amendment

Official Plan Amendment No. 85 and Zoning By-law No. 5194-00 were approved by the former City of Stoney Creek in September 2000, to permit the development of a commercial plaza on the lands known as 627 Barton Street. The range of uses permitted by the site-specific General Commercial “GC-47” Zone included industrial uses that were considered to be compatible with the proposed commercial uses at this location. The site-specific Official Plan Policy, (A.3.3.4.6), also recognized these limited industrial uses.

A motor vehicle dealership and motor vehicle service station were prohibited in the zoning since a motor vehicle dealership is not permitted in the Hamilton-Wentworth Official Plan, and a motor vehicle service station is permitted on the northeast corner of Fruitland Road and Barton Street.

Proposal

The applicant has applied to change the Official Plan designation from “Industrial Business-Park” to “General Commercial” on the lands known as 327-333 Fruitland Road (see Block 2 on Appendix “A”). The applicant has also applied for a further modification to the existing General Commercial “GC-47” Zone (Block 1 on Appendix
“A”) to permit a motor vehicle service station, and to change the zoning from the Special Purpose Industrial “MSP” Zone to the General Commercial “GC-47” Zone on the lands known as 327-333 Fruitland Road (Block 2 on Appendix “A”) in order for them to be developed comprehensively with the adjacent lands known as 627 Barton Street for a commercial plaza (see Appendix “B”) including retail stores, a motor vehicle service station/gas bar and car wash. It is noted that the gas bar and car wash are uses already permitted in the General Commercial “GC-47” Zone.

Details of Submitted Application

Owner/Applicant: Multi-Area Developments and John and Colette Deveau, Owners

Location: 627 Barton Street and 327-333 Fruitland Road

Description: Frontage: 166.76 metres (Barton Street)
Lot Area: 2.37 hectares

EXISTING LAND USE AND ZONING:

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<tr>
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<th>Existing Land Use</th>
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<tr>
<td>Subject Lands</td>
<td>Vacant and single detached dwellings</td>
<td>General Commercial “GC-47” Zone and Special Purpose Industrial “MSP” Zone</td>
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<td>Surounding Lands</td>
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<tr>
<td>North</td>
<td>Industrial and single detached dwellings</td>
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<td>East</td>
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<td>Special Purpose Industrial “MSP” Zone, “MSP-15” and “MSP-20” Zones</td>
</tr>
<tr>
<td>West</td>
<td>Vacant, industrial and single detached dwellings</td>
<td>Special Purpose Industrial “MSP” Zone</td>
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1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement;

   (ii) It conforms to the Hamilton-Wentworth Official Plan;

   (iii) With the approval of the proposed Official Plan Amendment, the change in Zoning will conform to the Official Plan for the former City of Stoney Creek; and,

   (iv) The proposed form of development is considered to be compatible with the existing development in the immediate area.

2. In September 2000, the former City of Stoney Creek approved the redesignation and rezoning of the lands known as 627 Barton Street (Block 1 on Appendix “A”) to permit the development of these lands for a commercial plaza. The proposal to redesignate and rezone 327-333 Fruitland Road (Block 2 on Appendix “A”) for general commercial uses will permit the comprehensive development of this corner.

   The intersection of Fruitland Road and Barton Street is considered to be an important entrance into Stoney Creek and serves as a direct link to and from the Queen Elizabeth Highway. Since Fruitland Road is a primary access point into Stoney Creek, this corner is a highly visible and prominent site. The proposed development of these lands would complement those commercial uses already existing on the southeast and southwest corners of Barton Street and Fruitland Road, and would help to create a commercial “node” at a key intersection, which will be a destination point for the highway travelling traffic. The “squaring off” of this site by redesignating and rezoning the Fruitland Road properties is, therefore, considered to be appropriate.

3. The General Commercial “GC-47” Zone currently prohibits motor vehicle dealerships and motor vehicle service stations. The applicant has requested that a motor vehicle service station/gas bar/car wash be permitted. It is noted that these three uses are permitted as-of-right in the General Commercial “GC” Zone. A motor vehicle service station was prohibited from these lands since one is permitted on the northeast corner of Fruitland Road and Barton Street. This corner is currently vacant. Staff is of the opinion that through site plan control, a motor vehicle service station/gas bar/car wash can be appropriately situated on these lands and would serve the area quite well.
4. It is noted that an archaeological assessment for the subject lands has been requested. The amending By-law, attached as Appendix “C”, will not be presented to Council for enactment until such time as the study has been completed to the satisfaction of the Ministry of Culture and the Manager of Development Planning.

5. Staff received 3 letters (attached as Appendix “D”) from adjacent landowners as a result of the circulation of these applications. The issues raised are: inclusion of other lands with these applications; traffic flow from the plaza; noise from vehicles; and, parking of trucks on Barton Street. Each issue is addressed individually.

Inclusion of Additional Lands

The owner of 607 Barton Street stated that he would not appeal this application if his property was also rezoned commercial to avoid future business development problems. Staff advised the owner that he would need to submit his own applications if he wanted to redesignate and rezone his property for commercial uses. Further, it is not the intent of these applications to extend the commercial designation westerly along Barton Street. Rather, the purpose of these applications is to merely “square off” the property to allow for an appropriate form of development to occur. Finally, changing the zoning of his property in isolation would be difficult as there is another property to the east of his that would also be required to be changed to allow for comprehensive commercial development to occur.

Traffic, Noise, and Parked Vehicles on Barton Street

In his letter, the owner of 334 Fruitland Road states that the planned commercial plaza will put added pressure on his family’s quiet time during the night by the constant flow of traffic in and out of the plaza, and that idling cars and trucks will create a noise situation and a constant discharge of fumes.

It is noted that the owner’s property is a legal non-conforming single detached dwelling, is zoned and designated for Industrial purposes, and is located adjacent to an existing industrial operation (Décor Precast). While there will be traffic associated with this proposal, it will not operate on a 24 hour basis as do typical industrial uses in the surrounding area.

The issue of trucks parked and idling on Barton Street, as noted in letter from the owner of the property on the south side of Barton Street, would have to be addressed on a complaint basis through By-law Enforcement. Finally, the request for a sound barrier to be installed on lands of the condominium development on the south side of Barton Street cannot be required as a condition of this development application. The installation of such a noise wall would be the responsibility of the condominium corporation.
SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 627 Barton Street and 327-333 Fruitland Road (Stoney Creek) (PED06190) (Ward 10) – Page 6 of 9

It is noted that the development of this site is subject to the approval of a site plan. At that time, the Traffic Department would review in detail all accesses to ensure that they are established in the most appropriate location(s).

ALTERNATIVES FOR CONSIDERATION:

Currently, a commercial plaza could be built on the lands known as 627 Barton Street, while the Fruitland Road properties could be developed for industrial purposes.

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 change to the Official Plan and Zoning By-law.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of Section 1.1.3, Settlement Area and Section 1.3 Employment Areas of the PPS.

However, 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 maintain the heritage integrity of the site may be permitted. Since the subject lands are located within 65 metres of a watercourse, the applicant will be required to conduct an archaeological assessment of the subject lands to the satisfaction of the Ministry of Culture and the City.

Hamilton-Wentworth Official Plan

The subject property is designated as “Business Park” within the Hamilton-Wentworth Official Plan. Policy 3.1.3 outlines a role for Business Parks within the municipality and that their roles and functions are shifting. They are to accommodate a full range of manufacturing, construction, research and development uses, and service type uses.
Policy 3.1.3.2 permits in Business Parks grouped commercial uses of a retail or service nature such as banks, restaurants and professional offices that will not adversely affect established and/or approved retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the business park.

Based upon the foregoing, these applications are considered to conform to the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

Block 1 on Appendix “A” is designated “General Commercial”, and Block 2 on Appendix “A” is designated “Industrial Business-Park” on Schedule “A”, General Land Use Plan, in the Stoney Creek Official Plan.

The applicant has applied to change the designation of Block 2 (see Appendix “A”) from “Industrial Business-Park” to “General Commercial” so these lands (327-333 Fruitland Road) can be developed comprehensively with 627 Barton Street for a commercial plaza.

The policies applicable to this proposal are as follows:

“A.3.2.9 In considering proposals for Automotive Service Stations, Council shall require that the following provisions are complied with:

(a) the preferred location for an Automobile Service Station will be adjacent to the intersection of major roads;

(b) an Automobile Service Station shall only be permitted in a location which will not endanger vehicular and pedestrian traffic;

(c) access points shall be limited and so designed as to minimize traffic hazards and congestion; and,

(d) on a shopping centre site, the structure should be physically separated from the major activity areas and buildings of the shopping centre and in proximity to major roads.”

The subject lands are located at the northwest corner of Fruitland Road and Barton Street. Both of these streets are designated as Arterial Roads in the Official Plan. The Traffic Division has provided preliminary comments on the site plan submitted with this application and note that at the site plan stage consideration must be given to the placement of the site driveways in relation to the existing driveways on Barton Street and Fruitland Road to ensure that turning conflicts do not occur. Finally, it is noted that the location for the proposed service station/gas bar/car wash is separated from the major activity area of the proposed plaza (see Appendix “B”).
SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 627 Barton Street and 327-333 Fruitland Road (Stoney Creek) (PED06190) (Ward 10) – Page 8 of 9

“A.3.2.14 In the consideration of commercial development or redevelopment proposals, Council shall be satisfied that the proposal will enhance the character and function of the Planning District in which it is to be located and that it will not have a detrimental effect on abutting land uses.”

The proposed change in designation to “General Commercial” for Block 1 on Appendix “A” will allow for a comprehensive development with Block 2. This corner is considered to be appropriate for commercial development because it will complement the existing commercial development on the southerly corners. This intersection is a key intersection from the highway into the City, and commercial development is considered to be beneficial to the residents and employees of the industrial area and to the intersection.

Based upon the foregoing, Planning staff is of the opinion that the proposed change in designation will be in conformity with the Official Plan, upon approval of the Official Plan Amendment.

RELEVANT CONSULTATION:

Agencies/Departments Having No Objection

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Forestry Section, Public Works Department.
- Open Space Development and Park Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Public Health and Community Services Department.
- Public Health Services, Health Protection Branch.
- Hamilton Street Railway.
- Hamilton Conservation Authority.
- Hydro One Networks Inc.
- Bell Canada.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application and Notice of the Public Meeting were pre-circulated to 158 property owners within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands. It is noted that staff received 3 letters from adjacent landowners (attached as Appendix “D”) outlining concerns with this proposal. The details of the letters are addressed under the Analysis/Rationale Section of this Report.
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
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Existing services will be used as part of this development proposal.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

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

: PAM
Attachs. (4)
Appendix “A” to Report PED06190
Page 1 of 1

Location Map

File Name/Number: ZAC-06-11
Date: February 17, 2006
Appendix “A”
Scale: N.T.S.
Planner/Technician: PM/NB

Subject Property

- 627 Barton Street, BLOCK 1 - Further Modification to the General Commercial “GC-47” Zone
- 327 - 333 Fruitland Road, BLOCK 2 - Change from the Industrial Business Park Official Plan Designation to the General Commercial Designation. Change from the Special Purpose industrial “MSP” Zone to the General Commercial “GC-47” Zone

Ward 10 Keymap N.T.S.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands
Located at 627 Barton Street and 327-333 Fruitland Road

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 Stoney Creek” 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 Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report of the Planning and Economic Development Committee at its meeting held on the ______ day of __________, 2006, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), upon approval of Official Plan Amendment No. _____;

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

1. Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,
(a) by further modifying the General Commercial “GC-47” Zone, the lands comprised of Block "1"; and,

(b) by changing from the Special Purpose Industrial “MSP” Zone to the General Commercial “GC-47” Zone, the lands comprised of Block “2”,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That special provision “GC-47” of Section 8.3.8, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by deleting the words “and a motor vehicle service station are” and replaced with the word “is” in the seventh line, so that reads as follows:

   “GC-47 627 Barton Street, 327-333 Fruitland Road, Schedule “A”, Map No. 2

In addition to the uses permitted in subsection 8.3.2, of the General Commercial “GC” Zone, those lands zoned “GC-47” by this By-law may also be used for any assembling, manufacturing or processing use which is not obnoxious as defined by this by-law; warehouses; wholesale uses; building supply outlets in enclosed buildings; custom workshops; laboratories; printing establishments and swimming pool sales and service. A motor vehicle dealership is not permitted on these lands zoned “GC-47” by way of this By-law.

Notwithstanding paragraphs (c) and (d) of Subsection 8.3.3, the minimum front yard and minimum flankage side yard for a warehouse or mini-storage shall be 60 metres.”

3. 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 General Commercial “GC” Zone provisions, subject to the special provisions referred to in Section 2.

4. 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-06-11
Appendix “C” to Report No. PED06190
Page 3 of 3

This is Schedule “A” to By-Law No. 06—

Passed the .................................. day of .................................., 2006

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

Map Forming Part of By-law No. 06—

to Amend By-law No. 3692-92

Subject Property

- 627 Barton Street, Block 1 - Further Modification to the General Commercial “GC-47” Zone
- 327 - 333 Fruitland Road, Block 2 - Change from the Special Purpose Industrial “MSP” Zone to the General Commercial “GC-47” Zone

Scale:
Not to Scale

File Name/Number:
ZAC-06-11

Date:
May 4, 2006

Planner/Technician:
PM/NB
Mr. Paul Moore, MCIP, RPP Senior Planner

I am writing to you about the recent Application regarding the change of 327-333 Fruitland Road, and 627 Barton Street from "Industrial Park" to "General Commercial."

I am for the change in zoning only if 607 Barton Street, Stoney Creek is also changed to "General Commercial" as well. I will object to the change if my property 607 Barton Street, Stoney Creek is left as light industrial and not changed according to the application submitted by File Name/Number ZAC-06-11.

I will object to this change unless my property 607 Barton Street, Stoney Creek meets the same change. It only makes sense to change the zoning for the whole surrounding block to avoid future business development problems.

Please send me a confirmation of this notice or input for the change.

Thank you,

T. Assenza

Tony Assenza
Planning Development Department  
Development Division  
City Hall, 71 Main Street West  
Hamilton Ontario  
L8P 4T5  

March 9, 2006

Att.:  Paul Moore, MCIP, Senior Planner

My name is Douglas Burla and my property is at 334 Fruitland Road Stoney Creek Ontario. I have lived on this property for the past twenty years. The property that my house sits on is zoned residential and I am concurred about the city's plan (file number's OPA-06-03 ZAC-06-11). This planned commercial plaza will put added pressure on my families quite time during the night by the constant flow of traffic in and out of the plaza. I also feel that the idling cars and trucks will create a noise situation as well as the constant discharging of exhaust fumes. I would ask that these concerns be addressed before this change in zoning takes place.

Yours truly

Douglas Burla
Hi Paul,

I live directly across Barton St. from the proposed commercial development. I have lived here since 1990. Over these years I have witnessed the development of the surrounding area and its impact on the quality of living for nearby residents.

I think the proposed commercial development will be great for the area however I would like to request specific considerations be given to the impact of this development to the surrounding homes as described below and conditions be put in place to minimize these impacts in order for the development to proceed.

1) Trucks stopping on Barton St. near Fruitland Rd.

Over the past several years there has been a steady increase in the number of trucks stopping on Barton St. for up to 20-30 min at a time while the drivers go and get them selves a coffee from the plaza already on the corner of Fruitland Rd. and Barton St. This occurs very frequently (on a 7x24 hour basis) and involves 2 to 6 trucks at a time. The drivers leave the trucks running and sometimes beeping the whole time which adds significantly to the already high levels noise pollution from the general traffic. Further to this, these trucks all but totally eliminate visibility to on coming traffic for motorists trying to access Barton St. while adding severe congestion to the road way. This congestion is more a concern during morning and late afternoon rush hours.

My wife and I (along with other affected residents) have requested repeatedly that the city take steps to correct this. The city responded by changing some of the signing in the affected area from “no parking” to “no stopping”. This action is appreciated but the drivers completely ignore this by-law in any case. It resulted in no change to the conditions and is unacceptable as a solution to this problem.

The proposed commercial development appears as though it will certainly add to this problem. The three existtentrances on Barton St. will undoubtedly reduce the space where trucks currently stop now and most certainly force the drivers to stop on the other side of the road or further up the street. This in turn only further ensures the trucks are stopped more frequently directy next to the homes already impacted by this problem as well as spreading the problem to the home further up the Street not yet impacted.

I request the Zoning Amendment Application include provisions to prohibit truck from even accessing Barton St. in the area or some other means to address this problem.

2) General Noise Pollution

As this area surrounding the proposed commercial development has been developing over the past several years, the volume of traffic has been steadily increasing. The city obviously planed for this as it expanded Barton St from a single lane to a two lane roadway some years ago which extended the two lanes from Green Rd to Fruitland road. At the time, we choose not to offer any comments for that proposed development as we did not recognize the impact it would truly have on the level of noise it would generate.

The proposed commercial development will again be adding to this problem attracting more traffic to the area.

I request the Zoning Amendment Application include plans to provision some form of a suitable sound barrier in the opinion of the Board of Directors for the Wentworth Condominium Corporation No. 141 – i.e., 618 Barton St. E., directly across the street from the proposed commercial development. (This matter was already discussed by this board who agreed a simple wooden fence across the open end of the

4/21/2006
property facing Barton would be suitable.)

I plan also to attend and represent these comments at the Public Meeting. In the mean time, thank you for taking the time to consider these comments as pertains to the Zoning Amendment Application.

Sincerely,

Cory Pattenden

Stoney Creek

4/21/2006