SUBJECT: Application for a Modification in Zoning for Lands Located at 55 Unsworth Drive (Hamilton) (PED09171) (Ward 6)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-08-064, by B. K. Graham Limited, Owner, for a modification to the “M-14” (Prestige Industrial) District, to permit offices as an additional use, for the lands located at 55 Unsworth Drive (Hamilton), as shown on Appendix “A” to Report PED09171, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning conforms to the Provincial Policy Statement, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

EXECUTIVE SUMMARY:

The purpose of the application is to modify the zoning on the subject lands to permit offices and accessory meeting rooms as an additional use.

The proposal has merit and can be supported since the modification in zoning is consistent with the Provincial Policy Statement, conforms to the Hamilton-Wentworth and City of Hamilton Official Plans, and is compatible with the existing land uses in the surrounding area.
BACKGROUND:

Proposal

The applicant proposes to amend the City of Hamilton Zoning By-law No. 6593 by modifying the “M-14” (Prestige Industrial) District zoning on the subject lands.

The effect of the application will be to permit offices and accessory meeting rooms associated with the Stone Church Family Health Centre, which is located on the adjoining property to the west of the subject lands. The offices are proposed within a portion of Unit 1 of the existing building on the site.

Details of Submitted Application

**Location:** 55 Unsworth Drive (see Appendix “A”)

**Owner/Applicant:** B. K. Graham Limited, Ben Graham

**Property Description:**
- Lot Frontage: 33 metres
- Lot Depth: 77.6 metres
- Lot Area: 2,560.6 square metres
- Servicing: Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3 Unit Building)</td>
<td>Industrial</td>
<td>“M-14” (Prestige Industrial) District</td>
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**Surrounding Land Uses**

| North: | Ethnic Community Association (Canadian Japanese Cultural Centre) | “M-14” (Prestige Industrial) District |
| West: | Medical/Health Care Centre (Stone Church Family Health Centre) | “M-12” (Prestige Industrial) District |
| South: | Industrial (Multi-Unit Plaza) | “M-14” (Prestige Industrial) District |
| East: | Wholesale Beauty Supplies, Storage | “M-14” (Prestige Industrial) District |
ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
   - It is consistent with the Provincial Policy Statement and the Places to Grow Growth Plan for the Greater Golden Horseshoe;
   - It conforms to the “Business Park” designation of the Hamilton-Wentworth Official Plan, and is consistent with the “Industrial” designation of the City of Hamilton Official Plan; and,
   - The proposed modification is considered to be minor in nature and appropriate for the desired use of the subject lands.

2. The intention of the application is to permit an office use within a portion of the existing building, allowing the Stone Church Family Health Centre, located adjacent to the subject lands at 1475 Upper Ottawa Street (corner of Upper Ottawa Street and Unsworth Drive), to use existing building space within Unit 1 for general offices and meeting rooms. The Stone Church Family Health Centre has submitted a letter detailing the intended uses of the space, which includes offices for staff, space for scanning paper records into electronic format, and two meeting rooms for staff, physicians, and residents (student doctors) to use (see Appendix “C”).

The Stone Church Family Health Centre is a Clinical teaching unit affiliated with McMaster University and Hamilton Health Sciences, and is one of three family practice units in the Department of Family Medicine at McMaster University.

3. The proposal represents good planning, as the proposed use is compatible with the surrounding land uses and will maintain the character of the site, as it is proposed within an existing building. The addition of the use will increase the usability of the building. As only a portion of the building is proposed for the office use, the remainder of the building can be maintained for other permitted light industrial uses. This provides for an appropriate mix and range of employment uses, while maintaining the light industrial nature of the area.

4. The addition of offices as a permitted use on the subject lands would allow for various management, clerical, administrative, consulting, advisory or training services. However, this use differs from a medical office, which would allow for diagnostic services that include consultation and treatment of patients. Although the proposed offices are related to the adjacent Health Care Centre, from the information submitted by the applicant, it is clear that the subject lands are not intended to be used for any consultation with, or treatment of patients (see Appendix “C”). The offices will function as general office space. Therefore, staff is satisfied that the proposed use would not be considered a medical office, and can be supported by the policies of the City of Hamilton Official Plan. The
The existing parking lot on the subject lands currently provides 17 parking spaces. It is noted that there are no opportunities to increase the number of parking spaces provided on the subject lands, as the site is fully built. In accordance with the building usage information provided by the applicant, the parking requirements for the uses on the site would be calculated as follows:

**Unit 1 - Total Area of 408.8m²:**

The applicant has submitted general information regarding Unit 1 of the existing building. Up to 300m² of Unit 1 is currently proposed for office uses. General office uses require 1 parking space for each 31m² of floor area in excess of 450m². Therefore, no parking spaces would be required for the office use. The remaining area within Unit 1 would be used for storage, which is a permitted use within the zone. Storage requires 1 parking space per 115m², or part thereof, used for storage space. The current storage area is less than 115m², and only requires one parking space. However, depending on the future file storage needs of the Stone Church Family Health Centre, the storage area could exceed 115m², and would then require 2 parking spaces.

**Unit 2 - Total Area of 114.4m²:**

Unit 2 is currently vacant. For a general industrial use, one space per 46m² of floor area would be required and, therefore, this unit would require a minimum of 3 parking spaces.

**Unit 3 - Total Area of 179.7m²:**

Unit 3 is currently used as off site storage by the building owner. This use would require 2 parking spaces (i.e. 1 space/115 m²). If the unit were used for general industrial uses, a total of 4 parking spaces would be required (i.e. 1 space/46 m²).

Therefore, a total of 9 parking spaces would be required for other existing and potential uses within the remainder of the building. Although no parking spaces are required for the office use, 8 parking spaces will be available. The primary parking facilities for residents, managers, and other staff using the offices and meeting rooms are located on the adjacent site at 1475 Upper Ottawa Street. Therefore, staff is satisfied that the parking provided on the site is appropriate, and will be sufficient.

6. The Industrial and Business Park policies in the Hamilton Official Plan permit a number of restricted commercial uses and industrial support uses within, and on the periphery of the East Mountain Industrial Business Park. The property is currently located near a major intersection, which serves as an entrance to the East Mountain Business Park and, therefore, is located near the periphery of the
Business Park. Although some additional non-industrial uses are permitted within the areas on the periphery of the Business Park, the general intent of the Official Plan policies is to maintain this area primarily for light industrial uses, and discourage incompatible uses.

As the proposed offices and meeting rooms are proposed within an existing building, and have similar functional requirements to light industrial uses, which often have offices as part of their operations, the offices are compatible with light industrial uses. However, since the proposed office uses do not directly support the area’s industrial uses, it is appropriate that the use be limited to a portion of the existing building to allow the remainder of the building to be used for light industrial purposes. Currently, the remaining space within the building is partially vacant, and partially being utilized as warehouse storage, which is a permitted use within the zone.

Based on these considerations, staff recommends that the proposed offices be limited to the floor area of Unit 1, which is 409m², or approximately 58% of the total area of the existing building.

7. The City of Hamilton is currently in the process of developing new Industrial Zones for the City’s employment areas. Draft zones have been presented to the public through Public Information Centres held in January and February, 2009.

The proposed zone for the subject property is the Prestige Business Park (M3) Zone. This Zone is proposed for the exterior areas of Business Parks, and the proposed uses within the zone generally permit light industrial, and research and development uses, including limited office uses. Medical offices which treat patients are not a permitted use in the proposed zone.

As the proposed professional and business offices will not permit medical consultation and treatment of patients, the proposed offices would be compatible with the types of uses proposed by the new industrial zones.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the application, the applicant would not be able to use a portion of the subject lands for offices with accessory meeting rooms. The use of the subject lands would continue to be regulated by the existing “M-14” (Prestige Industrial) District provisions.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.
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 Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement since Policy 1.1.3.1 states that ‘Settlement Areas’ shall be the focus of growth, and their vitality and regeneration shall be promoted.

Policy 1.3.1 “Employment Areas” also states that “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 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; and,

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

The application is consistent with these policies as it provides an increased range of employment uses on the site, and takes into account the needs of the existing adjacent business. The use is also compatible with the surrounding area, and does not detract from the light industrial nature of surrounding lands, which protects and preserves the employment area for current and future uses.

Places to Grow, Growth Plan for the Greater Golden Horseshoe

Policy 2.2.6(2), repeats Policies 1.3.1(a), (b), and (c) of the Provincial Policy Statement, listed above. The application is consistent with the policies of the Places to Grow Growth Plan.

Hamilton-Wentworth Official Plan

The subject lands are designated “Business Park” in the Hamilton-Wentworth Regional Official Plan. The Regional Official Plan notes that “the main function of the Business Parks is to accommodate firms that require relatively low-density sites with the locational or other advantages that come from being in a particular Business Park.” The Regional Plan also notes that “services located in the Business Parks should be
primarily devoted to servicing industrial and business operations and employees,” but that “some flexibility in the policies will permit consideration of mixed uses within the Business Parks.” The following policies apply to the subject lands.

“The Region will:

3.1.3.1 Designate Business Parks shown on Map No. 1 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).

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 approved retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the Business Parks.”

The proposed Zoning By-law Amendment conforms to these policies, as it proposes offices and accessory uses adjacent to grouped service-type commercial uses located along Upper Ottawa Street on the exterior of the Business Park.

City of Hamilton Official Plan

The subject property is designated “Industrial” and “Special Policy Area 11” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“Subsection A.2.3 - Industrial Uses

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:

iii) Uses which have characteristics or functional requirements similar to Industries; and,

vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.
SUBJECT: Application for a modification in Zoning for Lands Located at 55 Unsworth Drive (Hamilton) (PED09171) (Ward 6) - Page 8 of 10

Subsection A.2.9 - Special Policy Areas

A.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 uses category will apply.

The proposed office use, with associated meeting rooms, is not an industrial use or a use which directly supports the primary industrial uses in the area. However, the proposed use is compatible with light industrial uses, as it is not a sensitive land use. The utilization of a portion of the existing building for offices has similar functional requirements to light industrial uses, which often have accessory offices as part of their operations. The proposed use will also be complementary to the health practitioner offices, which are located at 1475 Upper Ottawa Street, on the property adjacent to the subject lands.

To ensure that the proposed use is maintained as an office only, and to ensure that the general intent of the Official Plan policies to maintain this area primarily for light industrial uses is met, staff has proposed that the following restriction be included in the implementing Zoning By-law:

1. That the permitted office use shall be limited to a maximum gross floor area of 409m² (approximately 58% of the total floor area of the existing building).

Therefore, the proposal conforms with the Hamilton Official Plan.

Neighbourhood Plan

The subject property is located within the “Rymal” neighbourhood of the City of Hamilton. A Neighbourhood Plan for the area (East Mountain Industrial - Business Park) was approved by Council on November 30, 1971, and designates the lands for “Restricted Industrial and Commercial”. The proposed office use conforms with this designation.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

● Budgets and Finance Division, Corporate Services Department.
● Taxation Division, Corporate Services Department.
● Traffic Engineering and Operations Section, Public Works Department.
● Transit (HSR) Section, Public Works Department.
● Communications Section, Hamilton Emergency Services.
The following Departments and Agencies submitted comments:

Infrastructure Planning and Source Water Protection, Public Works Department, has advised that an adequate sanitary sewer system is available across the frontage of the subject property to permit the specified additional uses. The subject property can be adequately serviced for water supply by Unsworth Drive water for its additional usage. Static pressures at the street line are on the average in range of 40-52 psi. Fire flow capacity is sufficient, and hydrant coverage is adequate for the existing building. From a source water protection perspective, there are no major concerns with respect to the municipal wells or the municipal intake.

Forestry and Horticulture Section, Public Works Department, has advised that an assessment of the proposal to modify the existing zoning shows that there are no Urban Forestry conflicts. There are no Municipal Tree Assets impacted by this proposal and, therefore, Tree Management will not be a requested condition.

Strategic Planning Section, Public Works Department, has advised the proponent to be aware that there is a Hannon Creek Subwatershed North Glanbrook Industrial Business Park Master Drainage Plan Study, which is not finalized. The proponent should also be aware of the completed Hannon Creek Subwatershed Master Drainage Plan and its recommendations.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 112 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on December 4, 2008, requesting comments or support for the application. To date, no comments have been received from any members of the public.
Further, a Public Notice sign was posted on the property on December 11, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**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
The proposal will enhance the ability of the Stone Church Family Health Centre to provide quality services to the community.

**Environmental Well-Being is enhanced.** ☑ Yes ☐ No
No development is proposed. The proposal encourages the use of available land and infrastructure resources.

**Economic Well-Being is enhanced.** ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported, as the proposal allows for an existing light industrial building to be more adequately utilized.

**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

:MP
Attachs. (3)
Appendix “A” to Report PED09171 (Page 1 of 1)

Location Map

File Name/Number: ZAR - 08 - 054
Date: November 27, 2008
Appendix "A"
Scale: N.T.S.
Planner/Technician: MP / NH

Subject Property
55 Unsworth Drive

Change in Zoning from "M-14" (Prestige Industrial) District to "M-14/S-1601" (Prestige Industrial) District, Modified.
City of Hamilton

By-law No. [Redacted]

To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands Located at 55 Unsworth Drive

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 Item [Redacted] of Report of the Economic Development and Planning Committee at its meeting held on the [Redacted] day of [Redacted] 2009, 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-59d of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “M-14” (Prestige Industrial) District to the “M-14/S-1601” (Prestige Industrial) District, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “M-14” (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special provision:

   (a) That in addition to the permitted uses in Section 17F (1), business and professional offices, with a maximum gross floor area of 409 square metres, shall also be permitted.

3. 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 “M-14” (Prestige Industrial) District, Modified provisions, subject to the special requirement referred to in Section 2.

4. That Sheet No. E-59d of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1601.

5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1601.

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 ___ day of ____, 2009.

__________________________________________  ____________________________________________
FRED EISENBERGER                        KEVIN C. CHRISTENSON
MAYOR                                    CLERK

ZAC-08-064
Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No.6593

Subject Property

Change in Zoning from "M-14" (Prestige Industrial) District to "M-14/S-1601" (Prestige Industrial) District, Modified.

File Name/Number: ZAR - 08 - 064

Planner/Technician: MP / NH

Scale: N.T.S.

Date: November 27, 2008

Clerk

Mayor

This is Schedule "A" to By-Law No. 09-____

Passed the ............ day of ................... , 2009

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
February 25, 2009

Dear Ben,

This letter is in follow-up to the City of Hamilton’s request to you for further clarification of the intended use of the space that we would like to lease from you at 55 Unsworth.

We are a teaching clinic for family doctors as well as other health care professionals (nurses, dietitians, pharmacists, social workers, etc.). We moved to our site at 1475 Upper Ottawa in August 2006 and at the time had two meeting rooms in the building. Since moving in, we have put an addition onto our building which included an additional five meeting/teaching rooms.

As a teaching unit, our 16 staff physicians, as well as other health care professionals, are constantly supervising resident physicians as they see patients at the clinic but they also do one-on-one tape reviews (patient/resident interviews), classroom teaching, and have other off-site teaching responsibilities. We have had ongoing issues with inadequate quiet space where the physicians can go to prepare for a teaching session or presentation, as well as a private place for the physician/resident tape reviews or discussions. Currently they have had to use exam rooms (which we are already in short supply) or kitchen areas where there is no privacy. We also have large group classes where they have wanted to split off into smaller groups for discussion purposes but we don’t have enough meeting rooms to accommodate this type of activity.

At the present time, we are storing our paper charts as well as some furniture at the building next door right but we would like to lease additional office space, including two meeting rooms and some private offices, where staff or physicians could get away to do academic or paperwork. Additionally, we have had high school and university students scanning our paper charts into electronic format and so we could provide additional workstations at this site. We will not have any patient care activities at 55 Unsworth as this will remain at our 1475 Upper Ottawa site.

We would be pleased to discuss our needs further if necessary.

Yours truly,

Kati Ivanyi, MD  Maureen Leedham
Medical Director  Unit Manager