SUBJECT: Supplemental Information for Applications to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law and for Approval of a Draft Plan of Subdivision on the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (PED06419(a)) (Ward 11)

RECOMMENDATION:

(a) That Report PED06419(a), respecting supplemental information pertaining to the proposed amendments to the Hamilton-Wentworth and Stoney Creek Official Plan, Draft Plan of Subdivision, and Changes in Zoning for the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) be received; and,

(b) That Recommendation (a) and (b) to Report PED06419 be replaced with a new Recommendation (a) which shall read:

“The applications are not consistent with Policy 1.3 of the Provincial Policy Statement as it has not been demonstrated that the land is not required for employment purposes over the long term or that there is a need for the conversion.”

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

This report provides further clarification and supplemental information pertaining to the applications to permit residential development on lands that are currently designated for industrial business park uses at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (see Appendix “A”). Staff has reviewed the policy framework affecting the development and concur that under the Provincial Policy Statement (2005), conversion of lands within employment areas to non-employment uses through a comprehensive review do not have to be only undertaken by the municipality. Accordingly, the recommendations for Report PED06419 should appropriately be revised to delete reference to the requirement for a municipally initiated comprehensive review.

BACKGROUND:

The applications were tabled at the request of the applicants at the January 16, 2007, Economic Development and Planning meeting until February 20, 2007, for staff to report back to the Committee, in writing, to clarify a number of issues. While the motion of tabling was approved by Committee, it should be noted that staff did not receive formal direction from Committee to provide a new or revised report. Staff has prepared this Information Report for the Committee to ensure there is no further confusion over the applicant’s rights or staff’s opposition to the applications.

ANALYSIS/RATIONALE:

Section 1.3.2 of the Provincial Policy Statement (PPS) contains requirements to be met to permit the conversion of employment areas. Specifically, the section reads:

“Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.”

The PPS in Section 6.0 provides a definition of comprehensive review which means:

“for the purposes of Policies 1.1.3.9 and 1.3.2, an Official Plan Review which is initiated by a planning authority, or an Official Plan Amendment which is initiated or adopted by a planning authority, which....”

Initially, it was understood that the intent of the PPS is redesignation of employment land could only occur if a “comprehensive review” is initiated by the City of Hamilton. However, since the original staff report was written, Planning and Economic Development Department staff has received clarification from the Ministry of Municipal Affairs and Housing that it is not the intent of the PPS that only the municipality can
initiate a comprehensive review for redesignation of employment areas. This is due to the wording "or adopted by a planning authority" which differs from the Places to Grow Plan which reads in Section 2.2.6(5):

“Municipalities may permit conversion of lands within employment areas, to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that...”

The Places to Grow Plan does not apply to the applications as they were submitted prior to the effective date for Places to Grow of June 16, 2006. Based on the above review, Official Plan Amendments for redesignation of employment areas does not have to be initiated by a municipality. Therefore, this report recommends a revision to the staff recommendation of Report PED06419 to clarify this issue.

While a comprehensive review, as defined in Section 6.0 of the PPS, does not have to be initiated by a planning authority, it still must meet the requirements of a comprehensive review and demonstrate that the land is not required for employment purposes over the long term, and that there is a need for the conversion, otherwise the tests set out by the PPS are not satisfied and the applications must be denied. To address the tests of the PPS, the applicants submitted an Employment Land Needs Analysis prepared by urbanMetrics.

A detailed review of the Employment Land Needs Analysis, which was peer reviewed by Hemson Consulting, is summarized in Report PED06419. The conclusion was that the applicants have failed to demonstrate the need for the conversion as all existing employment areas must be retained regardless of any additional lands near the airport being redeveloped for employment uses. The need for the retention of all existing employment areas was also identified in the Council approved 2003 Industrial Business Park Review Report, the Council approved final GRIDS report in 2006, and in the Comprehensive Employment Land Study that was submitted to the Economic Development and Planning Committee on February 1, 2007, but not deemed to be ‘received’.

Based on the above, the applications fail the tests set out in the Provincial Policy Statement pertaining to conversion of employment areas. The applications are not consistent with the conversion Policies of Section 1.3.2, nor are they consistent with Policy 1.3.1 which requires planning authorities to promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. Report PED06419 also provides an analysis of why the subject lands are ideal for employment uses. They are located adjacent to the QEW and a CN Rail corridor. Access to transportation routes is one of the main driving factors in locating employment areas and these prime areas must be retained to ensure Hamilton can compete favourably with other GTA and outlying municipalities with serviced lands adjacent to transportation corridors.
The Economic Development Division has also submitted supplemental information pertaining to the need to retain the lands for employment purposes. These comments are as follows:

“Employment lands in the Stoney Creek area remain in high demand especially in light of the pending opening of the Red Hill Creek Expressway. Less than 150 acres of land is currently available for development. These are lands that have no existing development applications, no existing development approvals and/or no residences located on them. In the last two years, close to 100 acres have been absorbed and are no longer on the market. This includes: 32 acres at Fifty Road and the QEW, 21 acres beside Nova Steel, 15 acres by Superior Boilerworks, and 9 acres for the Hamilton Business Park that will be home to +200,000 s.f. of industrial and commercial space.

Immediately west of the subject property, GTA developers Giffels Ltd. have purchased 20 acres and are ready to build without a tenant. On the west side of Lewis Road, the 50 acre Kingsford Industrial Park also has an approved plan of subdivision.”

As a visual guide to the above noted comments, attached to this report is an updated Stoney Creek Business Park Land Use Inventory (see Appendix “B”). This plan clearly shows that there is very little remaining land within the Stoney Creek Business Park that does not have employment uses proposed or developed.

**ALTERNATIVES FOR CONSIDERATION:**

Should the recommendation to revise the recommendation on Report PED06419 not be approved, there would be no change to Report PED06419 and some confusion could remain pertaining to the applicant’s rights to submit the application.

**Should the Committee decide to approve the applications, then it must deem the studies submitted by the applicants to be a comprehensive review, and also deem that the applicant has satisfactorily demonstrated the lands are not needed for employment purposes over the long term and there is a need for the conversion.**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council held a Public Meeting to consider the applications on October 17, 2006.
SUBJECT: Supplemental Information for Application to Amend the Hamilton-Wentworth Official Plan, City of Stoney Creek Official Plan and City of Stoney Creek Zoning By-law and for Approval of a Draft Plan of Subdivision on the Properties Located at 1187, 1189, 1211, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek) (PED06419(a)) (Ward 11) - Page 5 of 5

CITY STRATEGIC COMMITMENT:

See Report PED06419 for an analysis of the City Strategic Commitment for the applications for redesignation of employment areas.

:GM
Attachs. (2)