SUBJECT: Removal of the Holding ‘H’ Provision from a Portion of the Lands Known as 404 McNeilly Road (Stoney Creek) (PED05198) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAH-05-99, Losani Homes, owner, for removal of the Holding ‘H’ provision from a portion of the lands known as 404 McNeilly Road, as shown on Appendix “A” to Report PED05198, on the following basis:

(a) That the zoning of the subject lands be changed from the Prestige Industrial, Holding “MT(H)” Zone, to the Prestige Industrial “MT” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED05198, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

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

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

The purpose of the application is to remove the Holding ‘H’ symbol from a portion of the lands known as 404 McNeilly Road, as shown on Appendix “A”. The proposal has merit and can be supported since the details of the development of the site plan are being reviewed through Site Plan Application DA-05-139.

BACKGROUND:

Proposal

The applicant has applied to remove the Holding ‘H’ symbol from the subject lands (see Appendix “A”) in order to permit the development of a parking lot, to be used in conjunction with the lands to the immediate north, which are also owned by the applicant.

Site Plan Application DA-05-139

The applicant has applied for the approval of a site plan (see Appendix “C”) for the construction of a parking lot on the subject lands, to be used by a technology school to be housed in the adjacent building (Building “B” on Appendix “C”) currently under construction on the lands known as 432 McNeilly Road. The development of 432 McNeilly Road was approved under Site Plan application DA-02-126 on June 10, 2003.

ANALYSIS/RATIONALE:

1. Stoney Creek Zoning By-law No. 3692-92

   Section 3.8, HOLDING ZONES, of Zoning By-law No. 3692-92 states that a Holding ‘H’ symbol may be placed on lands in the following circumstances:

   (a) Where the details of such development have not been determined.

   (b) When land assembly is required to permit the orderly development or redevelopment.

   (c) When the level of engineering and/or community service is not adequate to support the ultimate use, but such services are to be provided at a later date.

2. In order to remove the Holding ‘H’ provision, staff must be satisfied that the three provisions in Section 3.8 of Zoning By-law No. 3692-92 have been addressed. In this case, the applicant is proposing to use the subject lands for a parking lot for a technology school to be opened in the adjacent building. The applicant has
acquired the lands known as 404 McNeilly Road and has merged them with the lands known as 432 McNeilly Road to allow for the comprehensive development to occur. Finally, it is noted that full municipal services are available to service the subject lands.

Based upon the foregoing, it is appropriate to remove the Holding ‘H’ Symbol from the subject lands.

**ALTERNATIVES FOR CONSIDERATION:**

Development of the subject lands cannot occur until the Holding ‘H’ symbol has been removed by way of amending the Zoning By-law.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: The Planning Act does not require a Public Hearing to be held for the removal of a Holding ‘H’ symbol. However, notice of the intent to pass the By-law must be given to the landowner and anyone who had requested notice. There is no appeal period for the removal of a Holding ‘H’ symbol.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

This application is consistent with the principles and the policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through the Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. This proposal conforms to the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan**

The subject lands are designated “Industrial Business Park” on Schedule “A”, Land Use, of the Stoney Creek Official Plan. This application conforms to the Official Plan.
SUBJECT: Removal of the Holding ‘H’ Provision from a Portion of the Lands Known as 404 McNeilly Road (Stoney Creek) (PED05198) (Ward 11)

- Page 4 of 4

RELEVANT CONSULTATION:

N/A.

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

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Access to the subject lands is readily available from the QEW.

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

Approval of this application will permit a new business to be established in the City.

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. (3)
Appendix “A” to Report PED05198

Location Map

File Name/Number: ZAH-05-99  Date: October 4, 2005
Appendix “A”  Scale: N.T.S

Planning and Economic Development Department

Subject Property
404 McNeilly Road

Change from the Prestige Industrial (Holding) “MT(H)” Zone to the Prestige Industrial “MT” Zone

Ward 11
Keymap  N.T.S

T&C File Name:
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92,
Respecting Lands Located on a Portion of 404 McNeilly 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 the Council of The Corporation of the City of Stoney Creek passed Zoning By-law No. 3692-92 (Stoney Creek) on the 8th day of December 1992, which by-law was approved by the Ontario Municipal Board by Order dated 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 __________, 2005, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Stoney Creek, approved by the Minister under the Planning Act on May 12, 1986.

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

1. Map No. 3 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Prestige Industrial (Holding) “MT (H)” Zone to the Prestige Industrial “MT”
Zone, on the lands, the extent and boundaries of which are shown on a plan annexed as Schedule “A”.

2. All regulations of the Prestige Industrial “MT” Zone, and the General Provisions of Part 9 of Zoning By-law No. 3692-92 (Stoney Creek), shall continue to apply.

3. 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], 2005.

MAYOR

CLERK

ZAH-05-99
Schedule "A"

Map Forming Part of By-Law No. 05-___
to Amend By-Law No. 3692-92

Subject Property
404 McNeilly Road

Change from the Prestige Industrial (Holding) "MT(H)" Zone to the Prestige Industrial "MT" Zone