SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 50 Dartnall Road, Hamilton (PED09047) (Ward 6)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-08-050, by Armour Steel Supply Limited, Owner, for a modification to the “M-13” (Prestige Industrial) District of Hamilton Zoning By-law No. 6593, in order to add a “Fabricated Metal Products Industry” as an additional permitted use, for the lands located at 50 Dartnall Road (Hamilton), as shown on Appendix “A” to Report PED09047, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09047, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

EXECUTIVE SUMMARY:

The purpose of the application is for a modification in zoning to add a “Fabricated Metal Products Industry” as an additional permitted use. In addition, this application proposes to reduce the rear yard and side yard setbacks to the proposed overhead crane, and includes site-specific modifications to the outdoor storage, landscaping, and parking requirements.
The application has merit and can be supported as it is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

**BACKGROUND:**

**Proposal**

The subject lands are currently zoned “M-13” (Prestige Industrial) District (see Appendix “A”), and have been used by Armour Steel Supply Limited for warehousing and steel fabrication purposes since 1964. Since steel fabrication is not a permitted use within the “M-13” (Prestige Industrial) District, the applicant has applied for modifications in zoning to add a “Fabricated Metal Products Industry” as a permitted use.

The applicant has submitted a concept plan showing the location of the existing buildings and the proposed overhead crane on the subject lands. The following modifications in zoning will also be included in the amending By-law:

- Reduce the minimum rear yard setback from the required 7.5 metres to a minimum 2.8 metres;
- Reduce the minimum northerly side yard setback from the required width of 3.0 metres to a minimum 1.4 metres;
- Permit the existing chain link fence along the side lot line adjacent to outdoor storage to remain as the visual barrier;
- Reduce the landscape strip adjacent to the street from the required 6.0 metres to a minimum 3.0 metres;
- Reduce the parking requirement from 1 parking space per 46.0 square metres to 1 parking space per 100 square metres; and,
- Permit the existing gravelled parking and loading area to remain.

**Site Plan Control Application MDA-08-087**

The subject property is currently subject to Site Plan Control Application MDA-08-087 to permit the development of the overhead crane. However, prior to any approvals, a successful rezoning application is required to permit the lands to be used for steel fabrication. The proposed rear yard and side yard setbacks to the overhead crane do not conform to the provisions of the Zoning By-law, and will be included in the amending By-law.
Minor Variance Application HM/A-04:183

Minor Variance Application HM/A-04:183 was approved by the Committee of Adjustment on August 18, 2004, and deemed final and binding on September 7, 2004. The Minor Variance application was required to legalize the rear yard setback of the existing warehouse building.

Minor Variance Application HM/A-00:137

Minor Variance Application HM/A-00:137 was approved by the Committee of Adjustment on August 16, 2000. The Minor Variance application was required to permit a reduction in the minimum rear yard setback for a proposed addition on the south side of the existing industrial building. The proposed addition was reviewed under Site Plan Exemption Application E-00-24, which was approved on June 9, 2000.

Minor Variance Application HM/A-93:228

Minor Variance Application HM/A-93:228 was approved by the Committee of Adjustment on December 15, 1993. The Minor Variance application permitted a portion of the site to be used for a motor vehicle towing business office and yard.

Details of Submitted Application

Location: 50 Dartnall Road (see Appendix “A”)

Owner: Armour Steel Supply Limited

Applicant/Agent: Armour Steel Supply Limited (c/o John Bruzzese)

Property Description: Lot Frontage: 88.80 metres
Lot Area: Approximately 1.24 hectares

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Subject Lands</td>
<td>Warehousing and Steel Fabrication</td>
<td>“M-13” (Prestige Industrial) District</td>
</tr>
<tr>
<td>Surrounding Lands</td>
<td>Farm Supplies Retail / Wholesale - Country Depot</td>
<td>“M-13/S-1403” (Prestige Industrial) District, Modified</td>
</tr>
<tr>
<td>North</td>
<td>Open Space - Wooded Area</td>
<td>“M-13” (Prestige Industrial) District</td>
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<tr>
<td>South</td>
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ANALYSIS/RATIONALE:

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 “U rban Area” policies of the Hamilton-Wentworth Official Plan.

   (iii) It conforms to the “Industrial” designation of the City of Hamilton Official Plan.

2. The subject lands are located on the west side of Dartnall Road, just north of Rymal Road East, within the East Mountain Industrial-Business Park (see Appendix “A”). The lands are designated “Industrial” in the City of Hamilton Official Plan. The “Industrial” designation permits manufacturing, processing, warehousing, repair and servicing uses. The subject lands are also identified as “Special Policy Area 11”, which is characterized by Light Industrial uses in the East Mountain Industrial-Business Park. The Light Industrial category permits a range of uses including, but not limited to warehousing; light manufacturing and assembly; laboratories and research facilities; communication facilities and printing and publishing plants. The proposed use is currently permitted in the “M-14” (Prestige Industrial) and “M-15” (Prestige Industrial) Districts, which are also located within “Special Policy Area 11” in the East Mountain Industrial Business Park. The proposal to permit a “Fabricated Metal Products Industry” as an additional permitted use on the subject lands is consistent with the “Industrial” designation and Light Industrial policies in the Official Plan, and is consistent with uses permitted in the surrounding area.

3. The applicant submitted a concept plan as part of the rezoning application, attached as Appendix “C”. Through the review of the application and the concept plan, it was determined that a number of site-specific modifications to the rear yard and side yard setbacks, outdoor storage, landscaping, and parking requirements are needed. The modifications are as follows:
Yard Setbacks

The applicant is proposing to reduce the minimum rear yard setback for the proposed overhead crane to 2.8 metres, whereas the Zoning By-law requires a minimum rear yard setback of 7.5 meters. The proposed length of the overhead crane is approximately 70 metres, and in order to meet the minimum front yard setback and maintain adequate manoeuvring space, the applicant is proposing to locate the crane closer to the rear lot line. Staff notes that the existing building is located 0.33 metres from the rear lot line, and supports the proposed reduction since it will have no adverse impact on the lands to the west.

The applicant is proposing to reduce the minimum northerly side yard setback for the proposed overhead crane to 1.4 metres, whereas the Zoning By-law requires a minimum side yard setback of 3.0 metres. Due to the irregular lot lines, a portion of the outdoor crane is located closer to the side lot line than is permitted in the Zoning By-law. Staff notes that the property to the north is a vacant corridor providing a connection from the recreational lands to the west and Dartnall Road. Therefore, reducing the side yard setback will not create any adverse impacts on the adjacent lands.

Outdoor Storage

The applicant is proposing to permit the existing chain link fence along the side lot line to remain adjacent to the outdoor storage area, whereas the Zoning By-law requires that every side yard that is used for outside storage of any material be completely screened from external view by a visual barrier. A visual barrier is defined as a “continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material”. Therefore, a chain link fence is not included in the definition of a visual barrier. The lands located immediately north of the subject property are vacant and provide a connection from the recreational trail to Dartnall Road. The site-specific zoning for the Country Depot, which is located just north of the vacant parcel, also permits a chain link fence adjacent to their outdoor storage area. Staff is of the opinion that the existing chain link fence is a sufficient barrier to outdoor storage as the neighbouring properties are vacant lands and industrial uses. The proposed modification will not negatively impact any of the surrounding properties and, therefore, can be supported.

Landscape Requirements

The applicant is proposing to reduce the landscape strip adjacent to the street to a minimum 3.0 metres wide, whereas the Zoning By-law requires a 6.0 metre landscape strip adjacent to the street. In addition, the concept plan shows the proposed landscape strip adjacent to the widened limits of the subject lands once a road widening has been dedicated to the City of Hamilton. The Owner is requesting a reduced landscape strip to ensure adequate manoeuvring can be
maintained between the widened limit of the property and the proposed overhead crane. Staff notes that the proposed 3.0 metre landscape strip is consistent with the Site Plan Guidelines, which determines that a minimum of 3.0 metres is sufficient width for a planting strip to sustain plantings. Therefore, staff is supportive of the reduced landscape strip width and proposed location adjacent to the widened limits of the property, as it will still provide for adequate buffering from the industrial use along the street line while ensuring the future road widening is free and clear of any plantings.

Parking Requirements

The applicant is proposing to reduce the parking requirement to 1 parking space per 100 square metres of gross floor area, whereas the Zoning By-law requires a minimum 1 parking space per 46 square metres of gross floor area. The Owner has advised that Armour Steel Limited currently employs 24 employees, and reducing the parking standard will provide a minimum of 28 parking spaces. Staff supports the proposed reduction in parking as adequate parking will be provided for the employees, and the new standard is consistent with the recommended parking requirement for industrial uses in the City Wide Parking Study prepared by Marshall Macklin Monaghan (i.e. 1 parking space per 100 square metres).

The Zoning By-law also requires that the parking area, manoeuvring space, loading space, and access driveway shall be graded, drained and paved. The subject property currently has 5 paved parking spaces located adjacent to the building, while the remaining parking spaces are gravel surfaced. The existing manoeuvring spaces, loading spaces, and access driveways are also gravel surfaced. Since this is an existing situation, and the construction of the overhead crane does not warrant additional spaces, staff supports leaving the existing parking area, manoeuvring spaces, loading spaces, and access driveways, with the exception of the driveway approach, as gravel. Any subsequent development will require that the parking area conform to the minimum parking requirements in the Zoning By-law, including the requirement that the parking area be graded, drained and paved. In the event that the parking area is required to be paved, staff notes that a Stormwater Management Report will be required to address the increase in imperviousness of the site. Through review of the Site Plan Control application, staff will require that the driveway approach be paved, as per comments from the Traffic Engineering and Operations Division.

4. This section of Dartnall Road is designated at 36 metres R.O.W. in the City of Hamilton’s Official Plan. In accordance with this designation, the applicant/owner should be advised of a future road allowance widening requirement from the subject lands, shown as Part 42 on Plan 62R-14426. Therefore, all setbacks are to be taken from the future widened limits of Dartnall Road. For the information of the Committee, Public Works is currently undertaking a Class EA between Rymal Road East and Stone Church Road East to identify future road improvements on this section of Dartnall Road.
SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 50 Dartnall Road, Hamilton (PED09047) (Ward 6)
- Page 7 of 9

ALTERNATIVES FOR CONSIDERATION:

In the event Council does not support the proposed modification in zoning, the use of the subject property would continue to be regulated by the “M-13” (Prestige Industrial) District provisions contained in Zoning By-law No. 6593.

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 an amendment to the Zoning By-law.

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 this Act. The application is consistent with Policy 1.3 of the Provincial Policy Statement, which promotes economic development and competitiveness in Employment Areas.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area - Business Park” in the Hamilton-Wentworth Official Plan. Policy C-3.1.3.1(a) permits a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses. The proposal to permit steel fabrication conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Industrial” on Schedule “A” and “Special Policy Area 11(a)” on Schedule “B-3” in the Hamilton Official Plan. The following policies, among others, are applicable:

“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.
Light Industrial

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule “B” and Schedule “B-3” as Special Policy Area 11 and 11a. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designated community-like precinct such as the East Mountain Industrial-Business Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities; communication facilities and printing and publishing plants.

A.2.9.2.3 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 use category will apply."

As the existing use is characterized by warehousing and light manufacturing of steel beams, the proposal to add a “Fabricated Metal Products Industry” as a permitted use conforms with the policies of the Hamilton Official Plan.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Water and Wastewater Division, Public Works Department.
- Forestry and Horticulture Section, Public Works Department.
- Recreation Division, Community Services Department.
- Open Space Development and Park Planning Section, Public Works Department.

The **Environmental Planning Section, Public Works Department** has advised that the Dartnall Road Extension Class Environmental Assessment study recommends the future Dartnall Road consist of a four-lane arterial road with a 36 metre right-of-way from Rymal Road to the existing terminus. The subject lands could be impacted by the alternative corridor location and widening of the existing corridor. An EA for Dartnall Road Improvements is commencing, and the study will be reviewing the design elements of Dartnall Road between Rymal Road East and Stone Church Road East.

The **Strategic Planning Section, Public Works Department** has advised that the Hannon Creek Watershed Study is still ongoing, and that recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans.
The Traffic Engineering and Operations Division, Public Works Department has no comments on the proposed change in zoning, however, advise that the applicant should be aware of the future road allowance dedication, and that at the time of dedication, the lands should be free and clear of encumbrances, such as the concrete pillars and chain link fence, as noted on the survey plan.

Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 33 property owners within 120 metres of the subject property on September 25, 2008. To date, no formal responses have been received.

Further, a Public Notice sign was posted on the property on October 1, 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 subject application promotes community well-being as it provides satisfying employment opportunities within the City of Hamilton.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
As this is an existing use, the subject application is not anticipated to have any negative effects on the environmental well-being.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The subject application promotes economic development and competitiveness in the East Mountain Industrial Business Park by supporting the growth of a successful local business.

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

:JH
Attachs. (3)
Appendix “A” to Report PED09047

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-08-050

Date:
January 12, 2009

Appendix "A"
Scale:
N.T.S.

Planner/Technician:
JD/AL

Subject Property
50 Dartnall Road

Change in Zoning from the “M-13” (Prestige Industrial) District to the “M-13/S-1604” (Prestige Industrial) District, Modified.

Ward 6 Key Map

N.T.S.
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 Section [Section] of Report [Report] of the Economic Development and Planning Committee at its meeting held on the day of [Day] 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 from the “M-13” (Prestige Industrial) District to the “M-13/S-1604” (Prestige Industrial) District, Modified, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “M-13” (Prestige Industrial) District regulations, as contained in Section 17E of Zoning By-law No. 6593, are modified to include the following special requirements:

   (a) That in addition to the uses permitted under Section 17E(1)(d) of Zoning By-law No. 6593, a Fabricated Metal Products Industry shall also be permitted.

   (b) That notwithstanding Section 17E(2)(b)1(ii) and Section 2(3)(6)(a) of Zoning By-law No. 6593, the northerly side yard shall have a width of not less than 1.4 metres.

   (c) That notwithstanding Section 17E(2)(b)1(iii) of Zoning By-law No. 6593, the rear yard shall have a depth of not less than 2.8 metres.

   (d) That notwithstanding Section 17E(2)(e)1(i) of Zoning By-law No. 6593, a landscaped area abutting the proposed widened limits of the subject lands having a depth of not less than 3.0 metres shall be provided and maintained, except for the area used for access driveways.

   (e) That notwithstanding Section 17E(2)(f)1 of Zoning By-law No. 6593, there shall be provided and maintained upon the same lot or tract of land upon which one or more buildings or structures are erected, altered, extended or enlarged, an asphalt, concrete or gravel surfaced parking area comprised of not less than one parking space for each 100 square metres of gross floor area of industrial use.

   (f) That notwithstanding Section 17E(2)(h)2 of Zoning By-law No. 6593, every side yard or rear yard that is used for outside storage of any material or any equipment shall be screened by a visual barrier or chain link fence not less than 1.5 metres in height and not more than 3.0 metres in height.

   (g) That notwithstanding Section 18A(30) of Zoning By-law No. 6593, the gravel parking area, manoeuvring space, loading space, and access driveway existing on the date of the passing of this By-law, being the day of , 2009, shall be permitted and maintained.
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 “M-13” (Prestige Industrial) District provisions, subject to the special requirements referred to in Section 2.

4. That Sheet No. E59d of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1604.

5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1604.

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

ZAR-08-050
This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ....................., 2009

Schedule "A"

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

Subject Property
50 Dartnall Road
Change in Zoning from the "M-13" (Prestige Industrial) District to the "M-13/S-1604" (Prestige Industrial) District, Modified.