SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 715 Centre Road, Flamborough (PED05186) (Ward 15)

RECOMMENDATION:

(a) That approval be given to **Amended Official Plan Amendment Application OPA-05-13 The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, owner**, for an amendment to Site-Specific Area No. 41 to permit a Convent and Day Care Centre, for lands located at 715 Centre Road (Flamborough), as shown on Appendix “A” to Report PED05186.

(b) That approval be given to **Zoning Application ZAC-05-74, The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, owner**, for a change in zoning from “I-6” Institutional Zone, Modified, to “I-10” Institutional Zone, Modified, (Block “1”), and for a change in zoning from “02-6” Park Open Space Zone, Modified, to “O2-7” Park Open Space Zone, Modified, (Block “2”), for lands known as 715 Centre Road, Flamborough, as shown on Appendix “A” to Report PED05186, on the following basis:

(i) That Block “1” be rezoned from Institutional “I-6” Zone, Modified, to Institutional “I-10” Zone, Modified.

(ii) That Block “2” be rezoned from Park Open Space “O2-6” Zone, Modified, to Park Open Space “O2-7” Zone, Modified.

(iii) That the “I” Institutional Zone provisions, as contained in Section 22 of Zoning By-law No. 90-145-Z (Flamborough), applicable to the lands identified on Appendix “A” as Block “1”, be modified to the extent only to permit a convent and a Day Care Centre.
(iv) That the amending By-law be added to Schedule “A-6” of Zoning By-law No. 90-145-Z (Flamborough).

(v) That the proposed changes in zoning will be in conformity with the Flamborough Official Plan upon finalization of Official Plan Amendment No. ___.

(vi) That the General Manager, Planning and Economic Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 87-57 and Schedule “A-6”, for presentation to Council.

______________________________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

An amended application for an Official Plan Amendment and an application for a change in zoning have been submitted for the lands, as shown on the attached map marked as Appendix “A”, to permit a Convent and Day Care Centre as additional uses.

The applications have merit and can be supported as they are consistent with the principles and policies of the Provincial Policy Statement, conform to the policies of the Hamilton-Wentworth Official Plan, and the proposal meets the general intent of the Town of Flamborough Official Plan.

**BACKGROUND:**

Proposal

An application for an Official Plan Amendment was made to redesignate the lands located at 715 Centre Road, shown on the attached map marked as Appendix “A”, from “Agriculture Site-Specific Area No. 41” to “Institutional” to permit a Convent and Day Care Centre.

The Official Plan Amendment application has been amended to request an amendment to the existing “Site-Specific Area No. 41” designation to permit a Convent and Day Care Centre. This amendment has been made for purposes of consistency, ease of application of applicable Official Plan policies and reference.
The purpose of the Zoning By-law Amendment application is for a change in zoning from “I-6” Institutional Zone, Modified to the “I-10” Institutional Zone, Modified (Block “1”), and from “O2-6” Park Open Space Zone, Modified to the “O2-7” Park Open Space Zone, Modified (Block “2”), to permit a Convent and Day Care Centre on the subject lands, as shown in Appendix “A”.

The subject property is located at 715 Centre Road. The lands owned by the Roman Catholic Episcopal Corporation of the Diocese of Hamilton totals approximately 23 hectares and are currently zoned to permit a church and cemetery. The property subject to these applications has an area of approximately 4.5 hectares. These lands contain a 1,000 seat Church, Parish Centre and Rectory with 191 parking spaces (refer to Appendix “B”).

The applicant is proposing a one storey Convent having a gross floor area of 557m² with six bedrooms, one guest room, one visitor’s room and an office. The maximum occupancy of the Convent is ten. A Day Care Centre is also proposed, having a gross floor area of 715m², and will be attached to the Convent. The Day Care Centre will have an occupancy of sixty children ranging from toddlers to children age 5, and will be operated by the Congregation of the Sisters of St. John the Baptist. The Centre will have an office with reception, three playrooms, two sleeping rooms and a kitchen. An additional thirty-two parking spaces have been proposed in total for both developments, eight for the Convent and twenty-four for the Day Care Centre.

Previous Development Applications

Official Plan Amendment No. 75

Official Plan Amendment No. 75 was adopted by the Former Town of Flamborough Council on May 26, 1999, and was approved by the Ontario Municipal Board on October 28, 1999. The purpose of the amendment was to add “Site-Specific Area No. 41” to the “Agriculture” designation for the entire lands owned by the Roman Catholic Episcopal Corporation of the Diocese of Hamilton, to permit a school, place of worship and a cemetery. The lands subject to this application form a portion of the total lands owned by the Catholic Diocese. The amendment included policies relating to development within the regulated floodplain, adequate systems for the disposal of sewage and the provision of potable water and Site Plan approval.

Zoning By-law No. 99-58-Z (Flamborough)

The purpose of the application was to rezone the subject lands from “A” Agricultural Zone to “I-6” Institutional Zone, Modified, and from “A” Agricultural Zone to “O2-6” Park Open Space Zone, Modified. The “I-6” zoning permitted a Place of Worship and a Public School, and the “O2-6” zoning permitted a cemetery and agricultural uses.
Details of Submitted Application

Owner: The Roman Catholic Episcopal Corporation of the Diocese of Hamilton

Applicant: Congregation of the Sisters of St. John the Baptist

Agent: Andrew Baczynski, Young & Wright Architect Inc.

Location: 715 Centre Road, Flamborough (See Appendix “A”)

Description: Frontage: 101.41 metres
Depth: 229.29 metres
Area: Area subject to applications 4.5 ha
      Additional lands owned 18.8 ha
      Total lands approximately 23.26 ha

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>Church, Rectory and Parish Centre</td>
<td>“I-6” Institutional Zone, Modified and “O2-6” Park Open Space Zone, Modified</td>
<td></td>
</tr>
</tbody>
</table>

Surrounding Lands:

<table>
<thead>
<tr>
<th>North</th>
<th>Joe Sams Flamborough Leisure Park</th>
<th>“O2-5(H)” Park Open Space Holding Zone, Modified, and “A” Agriculture Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>Elementary School and Vacant Land</td>
<td>“I-6” Institutional Zone, Modified and “O2-6” Park Open Space Zone, Modified</td>
</tr>
<tr>
<td>South</td>
<td>Vacant Land</td>
<td>“O2-6” Park Open Space Zone, Modified</td>
</tr>
<tr>
<td>West</td>
<td>Residential and Vacant Land</td>
<td>“A” Agriculture Zone and “O2-6” Park Open Space Zone, Modified</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposal for an Official Plan and Zoning By-law Amendment has merit and can be supported for the following reasons:
   
   (i) the proposal implements the intent of the Provincial Policy Statement and the Hamilton-Wentworth Official Plan.

   (ii) the proposal meets the general intent of ancillary uses within the “Agriculture” land use designation of the Town of Flamborough Official Plan.

   (iii) the proposed Convent and Day Care Centre are compatible with the existing uses permitted on the subject lands, complementary to the surrounding land uses and are an appropriate development for the subject lands.

2. An amendment to the “Site-Specific Area No. 41” designation is required to permit the use of the lands for a Convent and a Day Care Centre. The amendment can be supported as it meets the general intent of ancillary uses within the “Agriculture” land use designation.

Ancillary uses in the “Agriculture” designation of the Flamborough Official Plan (Policy B.2.3) include small scale institutional uses which cater to the Agricultural community. Ancillary uses are permitted provided they have no adverse impacts on issues such as ground and surface water systems and the capability of the land for safe septic disposal.

The Convent and Day Care Centre proposal satisfies the assessment criteria of Policy B.2.3 of the Flamborough Official Plan for the following reasons:

Minimizing Impacts on Ground and Surface Water

A storm water management plan will be required as part of the Site Plan process and will be required to minimize any impacts of the proposed use on ground and surface water, to the satisfaction of the Planning and Economic Development Department and the Hamilton Conservation Authority.

Capabilities of Land for Safe Septic Disposal

Preliminary plans submitted by the applicant identify a proposed disposal bed, located north of the proposed Convent and Day Care Centre, for a Waterloo Bio-filter system. The subject lands would be capable of supporting a septic system given the large area of the site. The Public Health Department did not have any comments or concerns with respect to the proposed development and septic disposal. As the development will be subject to Site Plan Control, any issues such as septic disposal will be dealt with in more detail through this process.
Therefore, the proposed Convent and Day Care Centre would satisfy, in principle, the required assessment criteria for ancillary uses and would be considered to be appropriate uses for the “Agriculture” designation. Technical requirements related to Storm Water Management and sewage disposal will be dealt with appropriately through the Site Plan and Building Permit processes.

3. The proposals for a Convent and Day Care Centre are compatible with, and complementary to, the institutional complex located on the lands owned by Roman Catholic Episcopal Corporation of the Diocese of Hamilton and the surrounding area. Located directly north of the proposed locations for the Convent and Day Care Centre is the existing Church, while directly east is an elementary school owned by the Hamilton-Wentworth Catholic District School Board. In addition, the remainder of the lands owned by the Roman Catholic Episcopal Corporation of the Diocese of Hamilton has been zoned for a cemetery.

4. The Ministry of Community and Social Services were contacted with respect to this application. They advised that a License is required in order to operate the Day Care Centre. In addition they were asked whether or not there is a need for a new Day Care Centre in the north Waterdown/Flamborough area. They advised that there are some Day Care Centres that have waiting lists, whereas others do have vacancies. The need for new Day Care Centres is dependant on the type of childcare the parents are seeking.

There are no Day Care Centres for toddlers to children age 5 operated by the Catholic Church in the area. There is a program at the Catholic Elementary School, but this is only for children ages 6 to 12. The provision of the proposed Day Care Centre operated by the Catholic Church for toddlers to children age 5 is filling a need in the local community.

5. Official Plan Amendment No. 75 (Subsection B.2.12.7 of the Flamborough Official Plan) was approved by the Former Flamborough Council on May 26, 1999, for all the lands owned by the Catholic Diocese and permitted an elementary school, place of worship and cemetery complex subject to various policies regarding adequate systems for the disposal of sewage, Site Plan approval and storm water management. These policies will remain in effect and the proposed development of a Convent and Day Care Centre will be subject to these policies, where applicable.

6. The lands are serviced by a private watermain. There are no public watermains or sanitary sewers available within the Centre Road road allowance to service the subject property. The owner should be advised that the following future requirements, among others, will be required at the Site Plan stage:

i) a road allowance widening dedication to the City of Hamilton of approximately 5.181 metres to establish the Centre Road road allowance to the required 36.480 metres.
ii) a stormwater management report.

iii) a grading plan.

7. The Hamilton Street Railway indicated that the provision of excess parking is not transit supportive. In total 169 parking spaces are required (43 for the Convent and Day Care, 125 for the church and 1 for the Rectory). The conceptual plan submitted with the applications indicates that 223 parking spaces will be provided. There is currently no public transit available to the site and there are no immediate plans to extend transit service to the Waterdown urban area. As such, the additional 54 parking spaces provide added transportation opportunities for members of the congregation not available through public transit.

The Hamilton Street Railway also indicated that excessive building setbacks make the site unfriendly to pedestrians. The conceptual plan submitted as part of the application shows that the Convent and Day Care will be located behind (south) of the existing church and rectory. The location of the church and rectory was previously approved through a Site Plan application, therefore, increased setbacks from the property lines will be provided for the Convent and Day Care.

8. The proposed building has not been shown in relation to the lot lines and staff could not determine compliance. A planting strip having a minimum width of 3.0 metres must be provided across all lot lines adjacent to a street. As well, all loading spaces, parking spaces and driveways must be provided and maintained with a stable surface treated in a manner to prevent the raising of dust or loose particles and must be drained in a manner to prevent the pooling of surface water or the flow of surface water to adjacent lots. In addition, any proposed signage must comply with the requirements of Flamborough Sign By-law 97-67-S.

The subject property is subject to Site Plan Control. Therefore, all detailed design considerations, including building setbacks, landscaping and grading will be further reviewed at the Site Plan stage.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, then the applicant has the option of using the property for the current range of “I-6” Institutional and “02-6” Park Open Space uses.

**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 applications for Official Plan and Zoning By-law Amendments.
Policies Affecting Proposal:

Provincial Policy Statement

The applications have been reviewed with respect to the Provincial Policy Statement (PPS) and the applications are consistent with the principles and policies of the PPS.

Greenbelt Plan

The applications are consistent with the principles and policies of the Greenbelt Plan. The subject lands are designated Prime Agricultural, as the Greenbelt Plan defers to the Local Official Plan designation. Policy 3.1.3.1 states that “within prime agricultural areas, as identified in municipal official plans…..secondary uses are supported and permitted”. A Secondary use is defined as a use secondary to the principal use of the property. As the elementary school and Church are the principle uses of the institutional complex, the Convent and Day Care Centre are appropriate secondary uses.

In addition, Policy 3.1.3.2 states that “prime agricultural areas shall not be re-designated for non-agricultural uses”. The lands were subject to a previous Official Plan and Zoning By-law Amendment which permitted non-agricultural uses on the property. The proposed Official Plan Amendment will not redesignate the lands, but further amend the Site-Specific designation to permit additional institutional uses and, as such, the proposal is consistent with this Policy.

Hamilton-Wentworth Official Plan

The subject property is designated as “Rural Area” within the Hamilton-Wentworth Official Plan. Site-Specific Policy D4.13 permitted the development of a school, church and cemetery complex at 715 Centre Road and the Policy makes reference to future expansion of this complex. The proposed Convent and Day Care Centre are additions to the existing institutional complex and are uses that are appropriate and accessory to the existing church and school. As the nature of the applications is to expand the institutional complex to allow for additional uses that are both compatible and appropriate, the applications conform to the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject property is designated “Agriculture” and “Site-Specific Area No. 41” on Schedule “B” – Rural Land Use Plan of the Town of Flamborough Official Plan, which permitted an institutional complex consisting of a church, school and cemetery. An Official Plan Amendment is required to permit a Convent and Day Care Centre on the subject lands.
The Flamborough Official Plan permits a limited range of ancillary uses within the Agriculture land use designation. The uses that are currently permitted through Subsection B.2.3 are oriented to the agricultural community and the rural area, as in the allowance for small-scale institutional uses. The proposals support the policies of the Flamborough Official Plan and are discussed in further detail in the Analysis/Rationale Section of this report.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Public Works Department, Traffic Engineering and Operations.
- Public Works Department, Forestry and Horticulture.
- Public Health and Community Services, Culture and Recreation.
- Public Works Department, Open Space Development and Park Planning.
- Corporate Services Department, Budgets and Finance.

**Bell Canada** advised that an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act. Bell Canada requests to be circulated on any future development applications.

**Hamilton Street Railway** advised that

- HSR, at the current time, does not provide service to this area.
- Council has directed that public transit be a key component of the Aldershot/Waterdown Transportation Master Plan Study presently underway.
- Council may, at some point in the future, choose to include the Waterdown urban area in the Urban Transit Area and implement an introductory public transit service, if funding realities permit.
- The provision of excess parking is not transit supportive.
- Excessive building setbacks make the site unfriendly to pedestrians.

**Hamilton Conservation Authority** (HCA) advised that the property is not covered by their Fill, Construction and Alteration to Waterways Regulation and that a permit will not be required for any filling, site alterations or construction on the subject lands. Based on this, the HCA had no objection to the approval of the applications.
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, these applications were pre-circulated to thirteen property owners within 120 metres of the subject lands. One telephone call was received from a neighbour who had a question regarding the locations of the Convent and Day Care Centre. When informed that the developments are proposed south of (directly behind) the existing church, the resident did not pursue the issue. In accordance with the requirements of the Planning Act, notice of the Public Meeting will be provided to the same property owners and a sign has been posted on the site advising of the Public Meeting date.

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 public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes □ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes □ No
Cultural industries are enhanced.

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

:AF
Attachs. (2)
Location Map

File Name/Number: 715_centre_road
Date: August 2, 2005

Appendix "A"
Scale: N.T.S
Planner/Technician: AF/JP

Subject Property
715 Centre Road

- BLOCK 1 - Modification in Zoning to the existing I-6 - Institutional Zone
- BLOCK 2 - Modification in Zoning to the existing O2-6 - Park Open Space Zone

Ward 15
Keymap N.T.S