SUBJECT: Application for a Modification in Zoning for Lands Located at 937 Centre Road (Flamborough) (PED05167) (Ward 15)

RECOMMENDATION:
That approval be given to Zoning Application ZAR-05-79, 1582873 Ontario Ltd. (Trevor Babott), owner, for a change in zoning from the Settlement Commercial “SC” Zone to the Settlement Commercial “SC-17” Zone, Modified, to permit an automobile leasing business within the existing building and an associated outdoor vehicle display area (maximum 25 vehicles), as an additional permitted use, for lands located at 937 Centre Road, as shown on Appendix "A" to Report PED05167, on the following basis:

(a) That the subject lands be rezoned from the Settlement Commercial “SC” Zone to the Settlement Commercial “SC-17” Zone, Modified.

(b) That the draft By-law, attached as Appendix “B” to Report PED05167, 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 Town of Flamborough Official Plan.

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

The purpose of the application is to permit an automobile leasing business within the existing building and an outdoor vehicle display area for a maximum of 25 vehicles.

The proposal has merit and can be supported in view of the fact that the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan. The proposal is compatible with existing and planned land uses in the surrounding area, and would allow for an adaptive reuse of an existing commercial building and property.

BACKGROUND:

Proposal

The application is for a change in zoning for lands located at 937 Centre Road (see Appendix “A”). The purpose of the application is to change the current Settlement Commercial “SC” Zone to a site-specific Settlement Commercial “SC-17” Zone, Modified, to permit an automobile leasing business within an existing building, and an outdoor vehicle display area for a maximum of 25 vehicles, as an additional permitted use. Currently, there is an existing commercial building and parking area on the subject property which is occupied by an office to be vacated by the end of October 2005 (see Appendix “C”). There are no proposed additions to the building or expansions to the parking area.

Details of Submitted Application:

Owner/Applicant:  1582873 Ontario Ltd. (Trevor Babott)

Location:  On the south side of Centre Road to the east of Sixth Concession Road East, known as 937 Centre Road (see Appendix “A”).

Description:  
Frontage:  61.34 metres  
Depth:  111.66 metres  
Area:  7,531.78 square metres
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
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<td>Existing Commercial building (office)</td>
<td>Settlement Commercial “SC” Zone</td>
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<th>Surrounding Lands:</th>
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<td>North</td>
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<td>Single Detached Dwellings</td>
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<td>Single Detached Dwellings</td>
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<tr>
<td>East</td>
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<tr>
<td>Single Detached Dwelling and Elementary School</td>
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<tr>
<td>West</td>
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<td>Single Detached Dwellings and Car Sales and Repair Shop</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, and complies with the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan.
   
   (ii) The proposed use is compatible with existing and planned uses in the Flamborough Centre Rural Settlement Area, and would complement those uses directly to the west of the subject lands.
   
   (iii) The proposed use is an efficient use of an existing building, property and infrastructure.

2. Proposed Zoning

   Currently, there is an existing commercial building and parking lot on the subject property, which are to be used for the business. An existing office in the building is to be vacated by the end of October 2005. There are no proposed additions to the existing building or expansions to the existing parking lot. Since no development is proposed, no site plan approval would be required.
The proposed use conforms to the Flamborough Official Plan (Policies B.10.8, A.3.3.5 and A.3.3.6 – see Pages 8 & 9) which permits automotive service uses subject to various design and location criteria. In particular, the impact of the proposed use on adjacent land uses, especially residential, would be minimized through measures such as fencing and landscaping.

According to Section 19.1 of the Flamborough Zoning By-law No. 90-145-Z, the Settlement Commercial “SC” Zone, which currently applies to the site, permits a range of commercial uses, including an animal hospital within a wholly enclosed building, a dry cleaning distribution establishment, funeral home, offices, place of entertainment, retail establishment, restaurant and a tavern. However, automotive uses are not permitted within the “SC” Zone. The proposed use is an automobile leasing business, which would include the storage of vehicles on site. In addition, staff recommends that the proposed use should only be permitted within the existing building with a maximum of 25 vehicles for outside display due to concerns about the intensity of the use. Furthermore, the proposed zoning would not permit an automobile repair garage and service establishment on the subject lands. The applicant agrees to these restrictions.

According to the standard requirements of the “SC” Zone, a planting strip having a minimum width of 3 metres must be provided along the most westerly side lot line (abutting the properties known as 266 and 270 Sixth Concession Road East), the easterly side lot line (abutting 931 Centre Road), and the southerly rear lot line (abutting 264 Sixth Concession Road East), as these lot lines are adjacent to lands zoned Residential “R2” Zone. Staff conducted a site visit of the subject property in October 2005, and noted the following:

- A chain link fence and mature vegetation (along with a sodded area approximately 4.5 metres wide according to the submitted site plan – see Appendix “C”) exists along the westerly side lot line, abutting the properties at 266 and 270 Sixth Concession Road East, zoned as “R2”, thus providing the required planting strip. In addition, the rear wall of the existing building acts as a visual barrier along a portion of this lot line for the adjacent properties.

- A solid wood privacy fence and mature vegetation (along with a lawn area greater than 15 metres wide according to the submitted site plan – see Appendix “C”) exists along the easterly side lot line, abutting 931 Centre Road.

- Mature vegetation (along with a lawn area approximately 7.5 metres wide according to the submitted site plan – see Appendix “C”) exists along the southerly rear lot line, abutting 264 Sixth Concession Road East, thus providing the required planting strip. In addition, the rear wall of the existing building acts as a visual barrier along a portion of this lot line.
The total floor area of the existing building (both the first and second storeys) is 557.4 square metres (there are no proposed additions to this building). As a result, a total of 19 parking spaces are required for the proposed use (based on the zoning requirement of 1 space for every 30 sq.m. of gross floor area), in addition to a vehicle display area for 25 vehicles. Staff notes that the existing paved parking area on-site is approximately 1,500 square metres, which provides sufficient on-site parking for the proposed use.

3. Similar Uses

Within the general area of the subject lands (see Appendix “A”), there are similar uses, some of which have been the result of various planning applications, as noted below:

- The property located at 947 Centre Road was rezoned to Automotive Commercial “AC-1” Zone (By-law No. 80-74-S) in 1980, to permit a General Store and Gas Bar.

- The property located at 941 Centre Road, immediately west of the subject property, is currently zoned as Settlement Commercial “SC-8” Zone. By-law No.87-88-EF-Z rezoned the lands to a modified “C3” Zone and restricted the use of the property to used car sales. However, when the new Flamborough Zoning By-law was introduced in 1990, it recognized the existing use that was established in 1987, as an automotive sales and service establishment.

4. Public Comments

The application was circulated to all property owners within 120 metres of the subject lands. Three written responses were received from the public (refer to Appendix “D”). Several concerns were raised in the letters, including: traffic; noise; lighting; impact on the residential character of the settlement area; impacts on the water supply and septic systems (groundwater contamination); and negative impact on property values. The issues raised in the letters are addressed in staff’s comments that follow:

**Traffic**

Neighbouring property owners (residents) noted that the proposed use will generate additional traffic in the area.

The City’s Traffic Engineering and Operations Section has advised they do not have concerns that the proposed use will significantly increase traffic volumes in the immediate area. The proposed use would also generate less traffic than some uses currently permitted as-of-right, such as a restaurant.
Noise

Residents are concerned that the proposed use will generate additional noise in the neighbourhood.

The applicant has indicated that the proposed use is to operate on an appointment basis only which will limit business activity and, as a result, will not significantly increase noise in the area. Furthermore, other uses permitted as-of-right could have potentially more impact (e.g. place of entertainment, restaurant, tavern).

Residential Character of the Settlement Area

Residents are concerned that the introduction of the proposed use will have a negative impact on the residential character of the settlement area.

The subject lands are already zoned for commercial purposes but not for automotive uses. As a result, the applicant has applied to add an automobile leasing business as an additional permitted use. The policies of the Flamborough Official Plan allow for a range of commercial uses, including automotive uses, to operate on a property designated as Settlement Commercial within a Rural Settlement area. Such uses may abut residential uses, as is the case with the subject property. As previously mentioned, staff noted that the property is adequately buffered from adjacent residential uses by existing mature vegetation and other visual barriers, such as fencing.

Safety

One resident is concerned with the safety of children in the area, since there is an elementary school almost directly across the road from the subject lands. The concern is that the proposed use will increase traffic volumes in the area and could further jeopardize the safety of children.

As previously noted, the applicant has indicated that the proposed use is to operate on an appointment basis only, which will limit business activity and will not significantly increase the volume of vehicles in the area at any one time. In addition, the Hamilton-Wentworth District School Board and City Traffic Engineering and Operations Section have no concerns with the proposed use. Also, the proposed automobile leasing business would have less traffic impact than other uses currently permitted as-of-right (i.e. restaurant).

Water Supply and Septic Systems (Groundwater Contamination)

Residents noted that they are concerned that the proposed use will have a detrimental impact on the ground water supply in the area, as there are no municipal services available (i.e. sanitary sewers). Furthermore, residents
indicate that the maintenance of vehicles on site will result in the run-off of motor vehicle fluids (i.e. motor oil, anti-freeze) and chemicals (i.e. soap, wax) into the local environment.

Staff notes that the site is serviced by a septic system. The business operator could clean the automobiles within the existing garage on the site. The applicant has indicated that the proposed business is to use "environmentally friendly" soap for the cleaning of automobiles. In addition, the applicant has noted that automobiles will not be serviced (i.e. oil change) or maintained on the subject property and this is not permitted by the proposed zoning.

**Lighting**

One resident noted that lighting for the subject lands could have a negative impact on adjacent properties.

Currently, the subject property has lighting in the front of the building and a light standard in the parking area. This lighting is directed towards the existing building and parking area, and away from adjacent properties. The applicant indicates that there are no proposals to change the current lighting.

**Property Values and Taxes**

One resident noted that they are concerned that the proposed use may have a negative impact on their property value and increase taxes.

Staff has no information to indicate that the proposal would have an adverse impact on surrounding property values and taxes.

**Privacy Fence**

One resident noted that a privacy fence should be required around the entire property.

Staff notes that there is an existing chain link fence and mature vegetation along the westerly side lot line, and a privacy fence and mature vegetation along the easterly side lot line, which adequately screen existing residential uses from the subject property. In addition, there is mature vegetation along the rear lot line which screens the abutting property to the south from the subject property. The existing building also screens the properties to the west and south from the parking area.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the current range of “SC” Zone commercial 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 an application for a change in Zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Greenbelt Plan

With regard to the Provincial Greenbelt Plan, the subject lands are recognized as being within a “Settlement Area”. Policy 3.4.1 of the Greenbelt Plan notes that “Settlement Areas” within the Greenbelt support and provide significant economic, social and commercial functions to prime agricultural areas and rural areas. In addition, “Settlement Areas” are an integral part of the long-term economic and social sustainability of the Greenbelt. The proposal would establish a new business within an existing “Settlement Area” and thus provide an economic benefit to the area.

Provincial Policy Statement

Policy 1.1.3.1 of the Provincial Policy Statement provides that growth should be focused in settlement areas. The proposal is consistent with the principles and policies of the Provincial Policy Statement (PPS).

Hamilton-Wentworth Official Plan

The subject property is designated “Rural Settlement Area” in the Hamilton-Wentworth Official Plan. As the nature of the application is to allow for an additional compatible commercial use on the subject lands, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject land is designated “Settlement Commercial” on Schedule “B-12” – Rural Settlement Areas. The following policies of the Town of Flamborough Official Plan, among others, are applicable to the proposed development:

“B.10.8 The permitted uses in the SETTLEMENT COMMERCIAL designation shall be commercial, professional or personal service uses related to the consumer needs of the residents in the RURAL SETTLEMENT AREA, and the surrounding Rural Area. In addition, public uses such as libraries, fire halls and general administration offices are permitted. Automotive
service uses may also be permitted subject to Policies A.3.3.5 and A.3.3.6.

A.3.3.5. Council shall endeavour to minimize the impacts of automobile service uses on adjacent land uses through the following measures:

(i) the establishment of building separation distance and yard requirements.

(ii) the requirement of fencing and landscape buffer strips to effectively screen the operation.

(iii) paved surface requirements for all non-landscaped area.

(iv) the restriction of outside storage, other than automobiles.

A.3.3.6 When considering proposals for new automobile service uses, Council shall be guided by the following criteria:

(i) the preferred location for automotive service uses will be in proximity to the intersections of major roads.

(ii) automotive service uses will be permitted where the movement of traffic and pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation."

Based on the foregoing, the proposal complies with the “Settlement Commercial" policies of the Flamborough Official Plan.

**RELEVANT CONSULTATION:**

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

- Traffic Engineering and Operations Section, Public Works Department
- Revenues Division, Corporate Services Department
- Budget and Fiscal Policy Services, Corporate Services Department
- Conservation Halton
- Hamilton-Wentworth District School Board
- Union Gas Company
- Hydro One Networks Inc.
Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, a preliminary notice of this application and Public Meeting was circulated to 33 property owners within 120 metres of the subject lands, and a sign was posted on the subject lands. Three written comments were received from the public in regard to this application (refer to Appendix “D”). An analysis of the issues has been provided under the Analysis/Rationale Section of this report.

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
Human health and safety are protected.

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

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

:OQ
Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands located at 937 Centre 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 Town of Flamborough" 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 Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report ___ of the Planning and Economic Development Committee at its meeting held on the ___ day of ____, 2005, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the Town of Flamborough Official Plan) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A-28” attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from “SC” Settlement Commercial Zone to “SC-17” Settlement Commercial Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. Section 19 – “SC” Settlement Commercial Zone of Zoning By-law No. 90-145-Z, is hereby amended by adding the following subsection:

   “19.3.17 “SC-17” (See Schedule A-28)

   Permitted Uses

   (a) Any use permitted in a SC Zone.

   (b) An automobile leasing business, including the outdoor storage of a maximum of 25 vehicles but excluding an automobile repair garage or an automobile service establishment, shall be permitted only within the building existing at the date of the passing of this By-law being __________, 2005.

   (c) All other zone provisions of Subsection 19.2 shall 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 day of __________, 2005.

_________________________________________  ________________________________________
MAYOR  CLERK

ZAR-05-79
Schedule "A"

Map Forming Part of
By-Law No. 05-

to Amend By-Law No. 90-145-Z

Subject Property
937 Centre Road

Change in Zoning from the "SC" (Settlement Commercial) Zone to the "SC-17" (Settlement Commercial) Zone, Modified.

Planning and Economic Development Department
Hamilton
September 3, 2005

Mr. Owen Quinn, Development Planner II
City of Hamilton
Planning and Economic Development Dept.
Development and Real Estate Division (west)
City Hall, 71 Main St. West
Hamilton ON
L8P 4V5

Peter van der Meulen
923 Centre Rd.
RR #2
Hamilton,
L8N 2Z7

Dear Mr. Quinn,

FILE: ZAR-05-79

I am responding to your request for input to modify the existing zoning for the lands known as 937 Centre Rd. to permit an automotive sales and service establishment (automotive leasing business).

As long time residents (20+ years), with a large family of our own, of this rural settlement area we are very concerned about another automotive business in this location:

1. Rural settlement – many of the homes in this neighbourhood are occupied by people who have lived here for many years and we have chosen to live rural, with the relative peace and quiet that a small community like Flamborough Centre brings. This is a residential community that has existed for many years.

2. The subject property has been “SC” zoning but has largely been consistent with a rural neighbourhood with businesses such as Canadian Sport Fishing, a Country Fitness Centre, or a garden nursery. There has been minimal traffic flow from the property with these previous operations, and it has largely been kept a green space with minimal asphalt, noise, security lighting. Another automotive service and leasing business is not necessary here, and is not consistent with the neighbourhood.

3. Flamborough Centre School is almost directly across the street from the subject property. It is serviced by bussing and many parents who drive their kids to school. The school and property area also used by soccer leagues and other community groups outside of school hours. Traffic speed and volume in the area is a constant issue for people with children who walk or bike to the school property and other establishments in the community. Adding another business which encourages people to drive and to test-drive cars will only add to the problem.

4. High Water Table presents a number of serious problems:
   a. We all rely on private wells for our drinking water supply, and many of the wells in the older homes are very shallow – less than 8 feet. During seasons of drought our supply is very limited, well recovery rates are very slow, and water quality can suffer.
   b. Adding another business that could accidentally spill contaminants on to the ground – detergents, fuel, oils, lubricants, coolants and the like will affect the quality of our drinking water.
   c. Adding another business that will consume water for car cleaning and detailing will put a strain on available drinking water and water used for agricultural purposes.
d. A number of neighbouring homes have water so close to the surface that they have sump pumps running day and night except in the driest seasons.

c. Septic systems are used on all of our properties as there is no central sewage disposal and treatment system.

5. Quiet: our area is relatively quiet during the day, in the evenings and on weekends. The nature of an automotive leasing business encourages more traffic flow, vehicle shopping after hours, security lighting, car security alarms, exhaust fumes, and paved parking lots which affect our quality of life.

In Conclusion

Flamborough is growing. A business park is being developed locally along the highway 5 and 6 corridors. Our planning department would do well to look there for adding these new businesses rather than amending the existing Settlement Commercial zoning. These business parks are also being built with the appropriate infrastructure – roads, hydro, gas, water, fire, sewage, and waste disposal. Flamborough Centre, in our opinion, does not have the appropriate infrastructure to service such an establishment.

Thank you for hearing some of our concerns, and input, in this matter.

Sincerely,

Peter van der Meulen
923 Centre Rd.
RR #2
Hamilton,
L8N 2Z7
Hi and Good Morning to all

I am writing in regards to the notice  File # ZAR-05-79 937 CENTRE ROAD WARD 15 in Flamborough

I live on an adjoining property, I have some concerns:

1) Property values

2) Ground water contamination, there is no sewers, and what type of maintenance are they going to do on a regular basis, garages can make a lot of chemical messes, anti-freeze, oil of many kinds, brake dust, etc., Just regular car washes to a fleet of cars or trucks can add a lot of soap chemicals to the environment.

3) NOISE, What kind of hours and noise level are they going to produce? A lot of businesses have a lot of extra lighting which can be irritating to local residences.

Is there going to be any public meetings regarding this property, "AUTOMOTIVE LEASING BUSINESS"

Possibly a privacy fence should be required on adjoining properties?(at there cost)

Possibly assurances and regular checking of adjoining properties, large holding tanks to be pumped and recycled regularly.(at there cost)

Possibly lighting and noise considerations

Just some thoughts and concerns

yours truly  Sj Legacy
Original Message
From: Nick Scetta
Sent: Friday, September 09, 2005 12:57 AM
To: Quinn, Owen
Subject: File ZAR-05-79

September 7, 2005

Dear Mr. Quinn,

In regards to File # ZAR-05-79, I am opposed to modify the existing Settlement Commercial "SC" to permit an automotive sales and service establishment on lands known as 937 Centre Rd.

This would be next door to an already existing automotive service establishment. We feel that two automotive service establishment side by side, would not be beneficial to either business nor to the community. Instead it would be harmful because there would not be sufficient sales to support both business.

I would like to talk to you in regards to this matter. Please call me at (905) 690-6680. Thank you very much.

Nick Scetta