SUBJECT: Application for a Change in Zoning for the Lands Located at 312-318 Arvin Avenue, Stoney Creek (PED07069) (Ward 10)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-97, by Harris Steel Group Inc., owner, for a change in Zoning from the General Industrial “MG” Zone to the Site-Specific General Industrial “MG-11” Zone in order to permit the conversion of warehouse space to additional office space within the existing building, for lands located at 312-318 Arvin Avenue, as shown on Appendix “A” to Report PED07069, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07069, 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 Stoney Creek Official Plan.
EXECUTIVE SUMMARY:

The purpose of the application is to permit the conversion of warehouse space to additional office space within the existing building.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

BACKGROUND:

Proposal

The applicant has applied to rezone the subject lands from the General Industrial “MG” Zone to a site-specific General Industrial “MG-11” Zone in order to permit the expansion of the existing office space. The proposal will facilitate the conversion of 849.0 square metres of warehouse space to additional office space within the existing building. The owner of the subject land also owns and operates out of 297-311 Arvin Avenue. The additional office space will consolidate all administrative offices for both operations in one location.

Site Plan Application DA-06-213

A Site Plan application has been submitted and is currently under review to address the parking lot for the subject land. The increase in office space requires additional parking spaces, which will be facilitated by paving an existing gravel area.

Location: 312-318 Arvin Avenue (see Appendix “A”)
Owner: Harris Steel Group Inc.
Applicant: Venerino V.P. Panici Architect Inc.

Lot Size: Area: 0.93 hectares
Frontage: 63.8 metres
Depth: 133.0 metres

Servicing: Full Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
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<tr>
<td>North</td>
<td>Industrial</td>
<td>General Industrial “MG” Zone</td>
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<tr>
<td>Subject Lands</td>
<td>Industrial</td>
<td>General Industrial “MG” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It conforms with Policy 1.1.3.1 of the Provincial Policy Statement.

   (ii) It conforms with the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

   (iii) It conforms with the “Industrial – Business Park” designation of the Stoney Creek Official Plan.

2. The owner (Harris Steel Inc.) currently operates a warehouse for steel rebar and ancillary administrative offices on the subject land. The existing building has a total floor area of 4,124.0 square metres, comprised of 2,255.0 square metres of warehouse space and 1,869.0 square metres of accessory office space. The intent of the application is to facilitate the conversion of 849.0 square metres of warehouse space to office space within the existing building. The proposed additional office space, in conjunction with the existing office space, would occupy approximately 64% of the total gross floor area. As a result, the office use would no longer be considered ancillary to the warehouse use. The applicant proposes a change in zoning from the General Industrial “MG” Zone to the site-specific General Industrial “MG-11” Zone to permit the additional floor area for office use above what is normally considered ancillary.

The owner also owns and operates out of 297-311 Arvin Avenue, directly across the street from the subject land. By rezoning 312-318 Arvin Avenue to permit the additional office space, the owner can consolidate all administrative offices for both operations in one location, thereby improving operational efficiency. The additional office space allows the owner to expand the current operation and add needed personnel on site. Staff is of the opinion that the requested rezoning is appropriate, as it maintains the intent of the “Industrial – Business Park” designation of the Stoney Creek Official Plan by allowing the existing industrial operation to expand.
3. In order to implement the rezoning, additional modifications will be incorporated into the amending Zoning By-law:

- No landscape strip will be provided along Arvin Avenue or Hilton Drive.
- A reduction in the required driveway aisle width.

The modification for the landscape strip and aisle width can be supported as it recognizes an existing situation. There is a request (see Appendix “C”) from the applicant dated May 26, 1977, seeking permission to use the boulevard for parking purposes. After consulting with the Hamilton Municipal Parking System Section, it has been determined that the applicant can continue to use the road allowance for parking purposes and, as a result, a landscape strip along Hilton Drive is not provided.

The reduction in aisle width can be supported given that the owner is permitted to use the boulevard for parking and manoeuvring purposes, and there is sufficient width for one-way vehicular circulation.

4. In response to the Notice of Public Meeting, one e-mail inquiry dated January 22, 2007, has been received (see Appendix “D”) requesting additional information regarding the proposal. City staff responded providing details of the proposed conversion. No further correspondence has been received.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application be denied, the office space would be permitted within the existing warehouse building with limited potential for expansion.

**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 Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus on growth in settlement areas, Policy 1.1.3.1. The proposal is consistent with the principles and policies of the PPS.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. The proposal conforms with Policy 3.1, outlining that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Therefore, as the nature of the application is to expand an existing industrial operation, the proposal conforms to the intent of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject land is designated “Industrial – Business Park” on Schedule ‘A’ – General Land Use Plan. The intention of the “Industrial – Business Park” designation is to permit manufacturing, the processing of raw materials or goods, repairing and servicing operations, warehousing and storage, and transportation terminals. The owner operates a warehouse for steel rebar and ancillary administrative offices and, therefore, conforms to the policies of the “Industrial – Business Park” designation. The following policy, among others, is applicable to the proposed development:

“A.4.2.1 The primary uses permitted in the area designated on Schedule “A” as INDUSTRIAL – BUSINESS PARK shall be for manufacturing, the processing of raw materials or goods, repairing and servicing operations, warehousing and storage, and transportation terminals.

In addition to the foregoing, the following uses may be permitted in this designation:

(b) Offices ancillary to industrial uses”.

Based on the foregoing, the proposal conforms to the “Industrial – Business Park” designation of the Stoney Creek Official Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Forestry & Horticulture Section, Public Works Department
- Hamilton Conservation Authority
- Horizons Utility Corporation
- Bell Canada
- Hydro One Networks
- Canadian Pacific Railways

Hamilton Municipal Parking System advised that the existing boulevard parking has continued for between 25 and 30 years (see Appendix “C”) and may continue in the Hilton Drive road allowance. The applicant should be made aware that, in the future, it
may become necessary to bring the boulevard parking into compliance through a “Commercial Boulevard Parking Agreement”.

PUBLIC CONSULTATION

The Public Participation Policy, that was approved by Council on May 29, 2003, provides that preliminary consultation shall not be required if the application is considered to be an addition of a minor use as a special provision to an existing non residential zoning category. As the application is to convert existing warehouse space in order to expand the office space, the proposal is considered a minor use added to the General Industrial “MG” Zone. Notice of Public Meeting was circulated to all property owners within 120 metres of the subject property on January 12, 2007. A total of fourteen (14) notices were circulated. In addition, a Public Notice Sign was erected on the property on January 16, 2007. To date, one e-mail inquiry has been received (see Appendix “D”) and is discussed in 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 intent of the Industrial – Business Park is maintained

Environmental Well-Being is enhanced. ☑ Yes ☐ No
More efficient use of an under utilized building, minimizes land consumption

Economic Well-Being is enhanced. ☑ Yes ☐ No
Allowing the consolidation and expansion of an existing industrial 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

:SH
Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 312-318 Arvin Avenue

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "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 of the former area municipalities 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _______ of Report of the Economic Development & Planning Committee at its meeting held on the day of _______, 2007, 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 Hamilton (formerly the City of Stoney Creek Official Plan), 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. 1 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the General Industrial “MG” Zone to the General Industrial “MG-11” Zone, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 9.5.7, "Special Exemptions" of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "MG-11", as follows:

"MG-11" 312-318 Arvin Avenue, Schedule "A", Map No. 1

i) Notwithstanding the uses permitted in Section 9.5.2 of the General Industrial "MG" Zone, on those lands zoned "MG-11" by this By-law, Business Offices shall be permitted within the building existing on the date of the passing of this by-law being the day of , 2007.

ii) That Section 9.5.3(g) of the General Industrial "MG" Zone, shall not apply on those lands zoned "MG-11".

iii) Notwithstanding Section 4.10.5(b) of the General Provisions, on those lands zoned "MG-11" by this By-law, the Indirect Access shall have a minimum width of 3.0 metres for one-way vehicular circulation.

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 General Industrial "MG" Zone provisions, subject to the special requirements referred to in Section 2.

4. 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 , 2007.

Mayor

CLERK

ZAR-06-97
Town of Stoney Creek,
Engineering Department,
777 Highway No. 8,
Fruitland, Ontario LOR 1LO

ATTENTION: Mr. A. Gretzinger, P. Eng.,
Town Engineer

Gentlemen:

We take this opportunity to make our application for permission to use part of the area adjacent to our office for employee parking.

We have attached herewith three copies of a drawing showing the area under discussion. We feel this would be an advantage to both our company and the Town. It would take many of the cars off the street, facilitating snow removal during the winter. Our intent would be to make the present driveway a one-way path where cars would enter off Arvin Avenue and depart off Hilton Drive.

A few years ago, before the Town advised that they were planning on installing a storm sewer down the large open gulley, we did an estimate of what it would cost to cover over the gulley at our expense in order to obtain additional parking area. The cost turned out to be very high so we dropped this idea. Then the Town advised they were going ahead with their plans and came to our office to request an easement on our property on the north side of Arvin Avenue. It was stated at that time that we would probably be able to use the covered area adjacent to our building for parking. The easement was granted by Mr. Harris. We have been waiting for the job to be completed and were prepared to pay to stone or pave the area.

Continued ......................
As you are aware, we have now been advised that we cannot park on this area. An examination of the attached sketch shows that some of the parking would be on our side of the lot line and some on Town property. However, there will still remain a fairly large green area beyond the proposed curb line. The parking would not extend beyong the 20' culvert opposite the S.E. corner of the building. This would be our exit from the lot. The area from that culvert to the next culvert on Hilton Drive would be all green area.

Should our request be granted, and at some future date the Town decides to widen the present ditch or widen the road, we would immediately relinquish any parking rights and the Town could do whatever they wished with the vacated parking area, and J. Harris & Sons Limited would waive any claim against the Town.

We feel our request is reasonable and ask your fullest consideration in this matter.

We thank you in advance for your co-operation.

Yours very truly,

J. HARRIS & SON LIMITED,

H. J. Marcaccio,
Office Manager
Hamilton, Shannon

From: David Atlin
Sent: Monday, January 22, 2007 10:48 AM
To: Hamilton, Shannon
Subject: Harris Steel Group application - 318 Arvin Avenue, Stoney Creek

I am in receipt of the Notice of Public Meeting regarding Harris Steel’s application to change the zoning of 318 Arvin from MG to MG-11, to permit an office use.

I represent the owner - Eve Atlin (my mother) - in all matters concerning this property.

Please provide background information regarding this application. In particular, details regarding the change of use, any anticipated changes in the number of employees located at 318 Arvin, and any traffic or parking studies accompanying this application.

thank you for your assistance.

David Atlin
36 King Street East
Suite 800
Toronto, Ontario
M5C 1E5
This message may be privileged and/or confidential. If this email was sent to you in error, please destroy any record and advise the sender. Thank you.

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