Council Direction:

An application may be appealed to the Ontario Municipal Board in accordance with the Planning Act after 180 days (Subdivision), or 120 days (Official Plan Amendment/Zoning By-law Amendment), if Council has not made a decision on the application(s). On May 18, 2010, City Council passed a motion directing staff to advise the Economic Development and Planning Committee on matters related to appeals regarding lack of decision by Council pursuant to the Planning Act. The information below provides some background on the applications with respect to the recent appeals submitted.

Information:

In February, 2008, application for a Regional Official Plan, Glanbrook Official Plan, and Glanbrook Zoning By-law Amendments were submitted to the Planning and Economic Development Department, and the applications were subsequently deemed complete and circulated for review and comment. The purpose of the applications is to modify the current “Business Park” designation in the Hamilton-Wentworth Official Plan to include
an “Institutional” use; to modify the “Airport-Industrial Business Park” designation in the Township of Glanbrook Official Plan to include “Institutional” uses; and to rezone the subject lands in order to permit the future development of the lands for a place of worship and accessory uses at 2012 Upper James Street (formerly Highway No. 6 South) (see Appendix “A”).

The applicant was made aware of the City’s concerns regarding the place of worship/religious use proposed for the Airport Industrial Business Park, as well as the requirement for an EIS, but requested that the City continue processing the application as identified in the conceptual site plan (see Appendix “C”). Staff has proactively worked with the applicant regarding proposed modifications to the applications to identify uses that could be supported by staff as alternatives to the proposed “place of worship/religious” use. Conclusive direction was provided by staff to the applicant in a letter dated May 22, 2009 (see Appendix “B”).

The applications have not been brought forward to the Economic Development and Planning Committee given the discussions to date with the applicant regarding the proposed use, and further, the applicant has not provided a detailed Environmental Impact Study (EIS), as requested by the Niagara Peninsula Conservation Authority (NPCA), given the proposal's proximity to the Provincially Significant Wetland (PSW). The NPCA opined that: “approval of the amendments, as presented, in absence of a detailed EIS, is premature. The detailed EIS recommendations will impact OP policy provisions, and potentially zoning requirements, including the land use and zone boundaries. As such, the NPCA recommends that the City defer any approval of the ROPA/OPA/ZBA pending completion (and agency review of a more detailed EIS)…” The subject lands are also within the Airport Employment Growth District (AEGD). On the basis of the foregoing, a Public Meeting has not been scheduled for these applications.

Appendices:

- Appendix “A”: Location Map
- Appendix “B”: Letter from Staff
- Appendix “C”: Concept Plan

:JM
Attachs. (3)
May 22, 2009

John Ariens, MCIP, RPP
IBI Group
200 East Wing - 360 James Street North
Hamilton, ON L8L 1H5

Dear Mr. Ariens:

RE: Living Word Fellowship Christian Assembly
2012 Upper James Street (formerly Highway No. 6 South), Glanbrook

Thank you for your letter dated May 5, 2009 wherein you request proposed modifications to the applications noted above. Staff has now had the opportunity to review your request and provide the following response.

The main premise of your modification is centered around redefining the definition of a “Community Centre” as outlined in the Township of Glanbrook Zoning By-law No. 464. Specifically, your proposed redefinition would include counseling, training, personal services and health activities with the inclusion of commercial purposes as well as allowing religious uses on the lands with the explicit exclusion of a stand alone place of worship.

In reviewing the noted planning applications in conjunction with the modified rezoning proposal, it is staff’s opinion that the religious component of the proposal does not comply with the intent of the local and regional plans as it relates to the Airport Industrial - Business Park designation(s). The religious use is one that is sensitive in nature and would undermine the future employment uses for the Business Park.

In your letter you further note that the City is preparing a new strategy for employment lands (municipal comprehensive review) and that the Airport Employment Growth District is being reviewed under separate cover. These employment area policies have yet to be vetted by the various commenting agencies, including Council and the public, and therefore hold no formal planning significance. By contemplating your applications we would be undermining that planning process.

The Provincial Policy Statement (PPS) stresses the protection of employment areas for employment related uses. More specifically defined as an area designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail, and ancillary facilities. Your redefinition of a ‘Community Centre’ does not encompass the essence of the employment area definition as identified in the PPS and Places to Grow. The inclusion of a ‘Community Centre’ with religious uses is considered an inappropriate use within an
employment area as it diminishes the supply of land for employment areas and other employment uses.

In conclusion, we would not be in a position to recommend approval of the proposal as it does not maintain consistency with the Provincial Policy Statement or the Places to Grow policies, nor does it conform to the Hamilton-Wentworth Regional Official Plan or the Township of Glanbrook Official Plan.

Should you have any questions, please contact myself or Joe Muto, at extension 7859.

Yours truly,

Steve Robichaud, MCIP, RPP
Manager, Development Planning

jm:cb