TO: Chair and Members Planning Committee
WARD(S) AFFECTED: WARD 3

COMMITTEE DATE: August 8, 2011

SUBJECT/REPORT NO:
City Initiated Application for an Amendment to City of Hamilton Zoning By-law 05-200 for Lands Located at 75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton) (PED11141) (Ward 3)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Heather Travis
(905) 546-2424, Ext. 4168

SIGNATURE:

RECOMMENDATION:

That approval be given to City-Initiated Zoning Amendment Application CI-11-B for a change in zoning from the City Wide Park “P3” Zone to the City Wide Park “P3, 42” Zone, with a Special Exception, to modify the existing zoning to facilitate the re-development of Ivor Wynne Stadium, for the lands located at 75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton), as shown on Appendix “A” to Report PED11141, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11141, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
(c) That upon final approval of the implementing By-law, the Stipely Neighbourhood Plan be amended to change the designation of a portion of the subject lands from “Park and Recreational” to “Civic and Institutional”, and to remove Policy VI b).

EXECUTIVE SUMMARY

The purpose of the application is to amend Hamilton Zoning By-law 05-200 to facilitate the re-development of Ivor Wynne Stadium. As part of the City of Hamilton's participation in the 2015 Pan American Games, Ivor Wynne Stadium will be re-developed and renovated in anticipation of its use as a soccer stadium for the duration of the Games. The re-developed stadium will continue to be the home of the Hamilton Tiger Cats and will also provide a venue for local sporting groups. The re-development of the stadium involves the removal and replacement of the existing south stands, renovation of the north stands, and conversion of the area south of the stadium (Brian Timmis Stadium) to parking (see Appendix “C”). Amendments are required to the Zoning By-law to address height, setbacks, loading area, planting strips, and size of retail uses within the stadium.

The proposal has merit and can be supported because it is consistent with the Provincial Policy Statement, Places to Grow Growth Plan, Hamilton Wentworth Official Plan, and the City of Hamilton Official Plan. It provides an opportunity to update and redevelop a significant public facility in the City of Hamilton to accommodate participation in the Pan Am Games. Further, the re-development of the stadium will improve upon an existing situation by adding additional parking to the stadium site, and by providing an opportunity to address the site design of the stadium to increase compatibility with the surrounding neighbourhood.

Alternatives for Consideration - See Page 21.

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 Zoning By-law Amendment.
HISTORICAL BACKGROUND

Proposal

The proposed Zoning By-law Amendment is required to facilitate the re-development of Ivor Wynne Stadium. The amendments to the Zoning By-law will address height, setbacks, loading area, planting strips, and size of retail units.

The re-development of Ivor Wynne Stadium is being initiated because the City of Hamilton has been included in the successful bid for the 2015 Pan Am Games. The City of Hamilton, along with the Provincial Government, has committed the necessary funds to upgrade and replace parts of Ivor Wynne Stadium in anticipation of its use as a soccer stadium during the 2015 Pan Am Games. The re-developed stadium will be designed to host international soccer matches, in addition to its primary use as home to the Hamilton Tiger Cats. Other future users include local community sporting groups.

The plans for re-development of the stadium and surrounding lands include the following, as shown on the Preliminary Site Plan (see Appendix “C”):

- Demolition of the existing south and east end stands;
- Rebuilding of the south stands at a greater height and length than the existing stands;
- Renovation to the existing north stands; and,
- Removal of Brian Timmis Stadium and conversion of this area to stadium parking.

Staff notes that a Site Plan Control Application (DA-11-089) for the stadium re-development has been received from the applicant, Infrastructure Ontario, and considered at the Development Review Committee meeting of July 6, 2011.

Report CM09006(I) to the General Issues Committee “International Event Opportunities - 2015 Pan Am Games Update”

The above noted report was presented to the General Issues Committee on January 24, 2011. The report was prepared in response to a Council direction for staff to “conduct a review on the feasibility and analysis of the current Ivor Wynne Stadium as the site for the construction of a new Pan Am Stadium that meets both FIFA Soccer standards and current CFL size requirements.” The staff review found that, in general terms, the proposed stadium re-development is feasible and can be accommodated within the Ivor Wynne site. The report also highlighted several issues that would need to be
addressed should the re-development proceed, one of which is the requirement for a Zoning By-law Amendment application to address identified zoning conformity issues, most notably a proposed increase in height. These zoning issues are the subject of this planning Report.

**Previous Applications:**

The Ivor Wynne Stadium site has been subject to a number of past applications, including the following:

**By-law 79-333** - permitted a stadium use and allowed existing buildings to remain on the site.

**By-law 80-131** - amended By-law 79-333 to clarify the use of the stadium for public and commercial uses.

**Minor Variance A-83:68** - to permit the erection of a 22.87 metre high scoreboard clock structure instead of the maximum permitted height of 11 metres.

**Minor Variance A-85:175** - to permit renovation and addition to the existing stadium press box, while providing for a height of 25 metres instead of the maximum permitted height of 11 metres.

**Minor Variance A-90:324** - to permit the installation of 4 double-face billboard signs between the light standards on the north stands, notwithstanding the signs will provide a height of 23.16 metres instead of the maximum permitted height of 11 metres, and the signs will provide third party advertising. Variance was permitted with a condition that the signs will have no lighting projecting in a northerly direction.

**Minor Variance A-91:36** - to remove the condition of Variance A-90:324 prohibiting lighting projecting in a northerly direction from the 4 billboard signs, to be replaced with a condition permitting northerly projecting lighting during football games only.

**Minor Variance A-94:237** - to permit the erection of press box additions on the south side of the existing stadium, while providing a height of 34 metres instead of the maximum permitted height of 11 metres, and permitting a south side yard width less than the required 4.5 metres.

**Minor Variance A-96:207** - to permit the erection of temporary bleacher seating at the west and east ends and associated press boxes, notwithstanding the following: the site-specific zoning does not permit additions to the existing structure; the temporary structure will exceed the maximum permitted height of 11 metres; the yard requirements of the district will not be met; and parking requirements of the By-law may not be met.
Minor Variance A-97:209 - to permit the expansion of the stadium to install barrier free access ramps and seating on the north stands, and to add rooftop heating equipment above the change rooms under the east stands, notwithstanding that the site-specific zoning does not permit further expansions.

Minor Variance HM/A-04:31 - to permit the construction of an 18.3 metre high by 33.6 metre wide scoreboard with third party advertising on the interior face, notwithstanding that the scoreboard shall have a height of 18.3 metres instead of the maximum permitted height of 11 metres, and third party advertising will be provided.

Minor Variance HM/A-05:70 - to permit the construction of an 18.3 metre high by 19.9 metre wide scoreboard with third party advertising on the interior face, notwithstanding that the scoreboard shall have a height of 18.3 metres instead of the maximum permitted height of 11 metres, and third party advertising will be provided.

Minor Variance HM/-07:184 - to permit the lands located at the northeast corner of Cannon Street East and Melrose Avenue North to be used as parking facilities for the Prince of Wales School (across the street), notwithstanding that the lot to accommodate the parking facilities is not located in the same zone as the school. Staff notes that a provision has been included in the amending By-law (see Appendix “B”) to permit parking for Prince of Wales School to continue to be provided on the subject lands.

**Chronology:**

**May 24, 2011:** Circulation of City Initiated Zoning By-law Amendment CI-11-B to City departments and outside agencies for comment.

**May 26, 2011:** Circulation of Notice of Complete Application and Preliminary Circulation for Application CI-11-B to all residents within 120 metres of the subject lands.

**June 8, 2011:** Sign posted on the subject lands.

**July 21, 2011:** Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

Details of Submitted Applications:

Location: 75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton)

Owner: City of Hamilton and Hamilton-Wentworth District School Board

Property Description:

- Area: 5.4 hectares
- Frontage: Beechwood Avenue - 203.6 metres
  Balsam Avenue North - 302.7 metres
  Cannon Street East - 216.8 metres
  Melrose Avenue North - 222.1 metres
- Depth: 302.7 metres

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>Football Stadium (Ivor Wynne), Soccer Stadium</td>
<td>City Wide Park “P3” Zone</td>
<td></td>
</tr>
<tr>
<td>(Brian Timmis), Parkette, Parking Lot</td>
<td></td>
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</tr>
<tr>
<td>Subject Lands:</td>
<td></td>
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</tr>
<tr>
<td>North</td>
<td>Single-Detached Dwellings</td>
<td>“C” (Urban Protected Residential) District</td>
</tr>
<tr>
<td>South</td>
<td>Scott Park, former Scott Park Secondary School, Jimmy Thompson Pool</td>
<td>Community Park “P2” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single-Detached Dwellings, Parkview Secondary School, and King George Elementary</td>
<td>“C” (Urban Protected Residential) District and</td>
</tr>
<tr>
<td>School</td>
<td>School</td>
<td>Neighbourhood Institutional “I1” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single-Detached Dwellings and Prince of Wales Elementary School</td>
<td>“C” (Urban Protected Residential) District and</td>
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<td>Neighbourhood Institutional “I1” Zone</td>
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POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. In addition, the application is also consistent with Policy 1.1.3.3, which states the following:

1.1.3.3 “Planning authorities shall identify and promote opportunities for intensification and re-development where this can be accommodated taking into account existing building stock or areas, including Brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

Further, the application is consistent with Policy 1.5.1, stating,

1.5.1 Healthy, active communities should be promoted by:

(a) Planning public streets, spaces, and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including, but not limited to, walking and cycling;

(b) Providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and, where practical, water-based resources.”

Based on the foregoing, the application is consistent with the Provincial Policy Statement.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a built-up area, as defined by Places to Grow. The application is consistent with Policy 1.2.2 Guiding Principles, which promotes the building of compact, vibrant, and complete communities. Further, Policy 2.2.2.1(h) states that population and employment growth will be accommodated by encouraging cities and towns to develop as complete communities with a diverse mix of land uses, employment and housing types, as well as high quality public open spaces. Therefore, the application conforms to the policies of Places to Grow: Growth Plan for the Greater Golden Horseshoe.
Hamilton-Wentworth Official Plan:

The subject property is designated “Urban Area” within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines 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.

Based on the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

Hamilton Official Plan:

The subject lands are designated “Open Space” on Schedule ‘A’ - Land Use Concept of the Hamilton Official Plan. The following policies, among others, are applicable to the subject lands:

“A.2.4.1” The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule “A” as OPEN SPACE, will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics.

“A.2.4.2” The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area.

“C.8.3” Council will require that in the design of any development and or re-development proposals, the following features be incorporated, where possible:

  ii) The elimination or reduction of shadow casting onto adjacent existing and approved buildings.”

The Open Space designation permits public or private recreation areas and, therefore, the stadium, including any ancillary commercial uses, is a permitted use within this designation. The proposed Zoning Amendment will permit the re-development of the stadium at a height that is greater than that which is existing. In order to ensure that this increased height will not negatively impact adjacent residents, and ensure conformity with Policy C.8.3(ii), the applicant has provided a sun/shadow study. This will be discussed in the Analysis/Rationale for Recommendation section below.
Therefore, the proposed re-development of Ivor Wynne Stadium complies with the Hamilton Official Plan.

**Urban Hamilton Official Plan**

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and was approved with modifications by the Minister of Municipal Affairs and Housing on March 16, 2011, but is currently under appeal and is not yet in effect. The subject lands are designated “Open Space” on Schedule E-1 of the Urban Hamilton Official Plan.

Policy C.3.3.1 states that lands designated as “Open Space” are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses. Further, Policy C.3.3.4 states the following:

“C.3.3.4 The following uses shall be permitted on lands designated “Open Space” on Schedule E-1 - Urban Area Land Use Designations:

a) Parks for both active and passive recreational activities;

b) Publicly owned and operated recreation/community centres.”

In addition, Policy C.3.3.5 states that secondary commercial uses such as food concessions are permitted provided that they are complementary to the primary permitted use.

Section B.3.5 of the Urban Hamilton Official Plan specifically addresses Community Facilities and Services and includes policies relating to the design of such facilities. Specifically, Policy B.3.5.2.1 states the following:

“B.3.5.2.1 All new public buildings and publicly or privately owned and/or operated community facilities/services shall:

a) Comply with Section B.3.3 - Urban Design, of this Plan;

b) Be easily accessible by walking, cycling, and public transit;

c) Be located and designed to be barrier free to all, and to comply with all accessibility legislation, standards, and guidelines;

d) Where proposed adjacent to residential uses, be designed and operated to limit noise and traffic impacts and ensure privacy of neighbouring residents; and,
e) Meet all of the following design criteria:

i) Main entrances shall front onto a public road;

ii) Parking shall be provided to the side or rear of the main building and be screened and landscaped;

iii) Pedestrian walkways shall link parking facilities and public sidewalks to entrances;

iv) Cycling infrastructure such as bicycle parking and paths, where appropriate, shall be provided;

v) The design of landscaping and lighting shall be of high quality; and,

vi) Lighting shall highlight the design of buildings."

Further, Policy B.3.5.2.1.2 states that all new public buildings and public community facilities/services shall be designed to reflect and enhance local community character, and are strongly encouraged to include public art as part of the overall site design.

Staff further notes that Section B.3.3 of the Urban Hamilton Official Plan contains extensive policies regarding Urban Design, which address the following issues, among others: built form; local character; compatibility; placement of buildings; materials; accessible public spaces; street edges; safety; lighting; provision of open spaces; promoting active transportation; public art; parking areas; and screening of loading areas. Further discussion of Urban Design issues is provided in the Analysis/Rationale for Recommendation section of this Report, and will be fully evaluated at the Site Plan Control stage.

Based on the above, the proposal conforms to the Urban Hamilton Official Plan.

**Stipely Neighbourhood Plan**

The subject lands are designated “Civic and Institutional” and “Park and Recreational” in the Stipely Neighbourhood Plan. The Neighbourhood Plan identifies the lack of parking in the area for both residential and commercial uses as an area of concern. Staff notes that the proposed stadium re-development will include additional parking for the stadium use. However, the Neighbourhood Plan also identifies the need for Brian Timmis Stadium to function as a Community Park and accommodate organized sports. The stadium re-development is proposing the removal of Brian Timmis Stadium and the conversion of this area to parking. Staff notes that the redeveloped Ivor Wynne
Stadium will continue to provide a venue for local community sporting groups. In addition, the lands to the south of the stadium, Scott Park, also provide an opportunity for recreational uses, and the City is initiating a feasibility study to review options for Scott Park in the near future. Therefore, the intent of the Neighbourhood Plan to provide recreational opportunities for this neighbourhood is being maintained. Upon finalization of the implementing By-law, a portion of the subject lands should be redesignated from “Park and Recreational” to “Civic and Institutional”, and further, Policy VI b), which references the role of Brian Timmis Stadium as a Community Park, should be deleted.

RELEVANT CONSULTATION

Agencies/Departments Having No Comments/Objections

- Taxation Division, Corporate Services Department.
- Infrastructure Planning and Source Water Protection Section, Public Works Department.
- Operations and Waste Management Division, Public Works Department.
- Recreation Division, Community Services Department.
- Hamilton Municipal Parking System.
- Hamilton Street Railway.
- Hamilton Emergency Services.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Catholic District School Board.
- Bell Canada.

Rapid Transit Section, Environment and Sustainable Infrastructure Division, Public Works Department:

Staff advises that the development is located 150 metres from a proposed Rapid Transit Corridor (B-line) linking McMaster University, Downtown Hamilton, and Eastgate Mall. The linkages for pedestrians should be enhanced on the south side to provide easy pedestrian access to the stadium. Site amenities such as benches and awnings would also enhance the pedestrian environment. The development should contribute to a positive pedestrian environment and be consistent with the urban design policies detailed in the Urban Hamilton Official Plan.
Traffic Engineering and Operations Section, Public Works Department:

Staff advises that a standard traffic engineering site design recommendation is to attempt to maximize the sightlines available to any driver exiting a driveway to see pedestrians, cyclists, and other vehicles traveling on City infrastructure. The potential to encounter vulnerable road and sidewalk users on any street surrounding Ivor Wynne Stadium is high considering adjacent schools and residences. Therefore, Traffic Engineering staff recommends that the proposed west side building addition for the truck loading area either be setback a minimum of 3.0m from the edge of the municipal sidewalk on Melrose Avenue, or conversely, the portion of the building addition directly adjacent to Melrose Avenue should be kept open or with low level walls to maximize truck driver sightlines.

Further, it is a standard Traffic Engineering recommendation for any proposed site development that all loading facilities provide sufficient land or internal site circulation so that delivery trucks can enter the property in a forward manner, turn around, and exit to the municipal roadway in a forward manner. This traffic flow design minimizes the potential for collisions or injury to vulnerable road users such as pedestrians and cyclists, and also reduces the impact of reversing trucks on traffic flow on the street. Traffic Engineering staff recommends that an opportunity for trucks to enter and exit the stadium site in a forward manner be considered for the Melrose Avenue loading area. These issues with regards to the loading area will be discussed further in the Analysis/Rationale for Recommendation section of the Report.

The designated truck routes serving Ivor Wynne Stadium are Barton Street and King Street.

Traffic Engineering and Operations staff also provided the following comments to be considered at the Site Plan Control stage:

- The detailed design dimensions of the proposed accesses (truck, emergency, and passenger vehicle) will be confirmed at the Site Plan stage. A 7.5m width for the passenger vehicle accesses to the parking lot is satisfactory.

- The sharp bend at the southeast quadrant of the parking lot should be smoothed out to accommodate two way traffic flow. It would be considered ideal to provide a straight entrance for the south driveway, similar to the north entrance, and remove the bend in the aisle way completely.

- Bike locker facilities, protected from the elements, should be provided.
The removal of redundant accesses and re-instatement of the curb, sidewalk, and boulevard must be completed, to the satisfaction of the Director of Operations, Public Works Department.

The municipal sidewalks on all roadways must be constructed continuous through any passenger vehicle or delivery truck driveway approaches.

We require 5.0m by 5.0m (minimum 3.0m by 3.0m) visibility triangles between the access limits and the ultimate road allowance limits of Melrose Avenue and Balsam Avenue in which the maximum height of any objects, walls, parked vehicles, or mature vegetation cannot exceed a height of 0.70m above the corresponding perpendicular centreline elevation of the adjacent streets.

A minimum of 1.2m separation must be provided within the City’s road allowance area between an access and any utility, fire hydrant, tree, sign, etc.

Forestry and Horticulture Section, Public Works Department:

An assessment of the Preliminary Site Plan and Survey Plans for the re-development of Ivor Wynne Stadium shows that there will be unavoidable Urban Forestry tree conflicts that must be identified with the submission of a Tree Management Plan at the Site Plan Control stage. It is clear from the preliminary submission and an onsite inspection that all site and road allowance trees must be removed. This is not a significant concern as the Tree By-law allows for this. However, since the number of removals will exceed 25, Council approval will be required.

At the Site Plan Control stage, the Forestry and Horticulture Section requests that a Tree Management Plan be prepared by a Landscape Architect. All trees within this proposed development area must be surveyed, identified, and accurately plotted on the plan. The Tree Inventory will be used to determine the Gross Replacement Fee of the removals.

The preliminary Site Plan rendering shows trees on the site of the existing Practice Field which will be converted to hard surface parking. No vegetation is shown on the portion of the site that will be the actual stadium. Trees are depicted in islands within the parking area, but the site will create much storm water runoff, and the use of Bioswales should be considered. Bioswales slow the speed of surface runoff and allow stormwater to infiltrate back into the ground instead of flowing directly into storm sewers. It is also noted that trees are shown to be located in the proposed snow storage area. Consideration must be given to ensure that appropriate species are chosen to withstand the abiotic (environmental, mechanical, and physical) stress of such a location.
At the Site Plan Control stage, the submission of a Landscape Planting Plan will be required showing the proposed placement of trees on internal and external City property.

**Hamilton Conservation Authority (HCA):**

Staff advises that the site is located within the Central Business District Subwatershed area, which drains into Hamilton Harbour. New development must, therefore, meet the stormwater objectives of the Hamilton Harbour Remedial Action Plan to restore the health of the harbour by reducing the amount of sediment entering the harbour and Lake Ontario, and by improving stormwater quality. However, as the proposed re-development of the site will not involve a significant increase in the imperviousness of the site, stormwater quantity control will not be required by the HCA; nor is stormwater quality control required as the site is serviced by a combined sewer system. The implementation of sediment and erosion control measures would still be required. Staff notes that the subject property is not within an area regulated by the HCA and, therefore, a permit from the HCA is not required.

**Public Consultation**

In accordance with the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the application was circulated to 428 property owners within 120 metres of the subject property on May 24, 2011. A Public Notice Sign was also posted on the subject lands on June 8, 2011. As a result of the preliminary circulation and notice, staff received two emails from area residents which are included in Appendix “E”. Staff also received two phone calls from area residents. The two phone calls and one email were requesting additional information and clarification on the proposed re-development. The second email raised concerns regarding the height of the new south stands and scoreboard, and how this may impact on the amount of light reaching their home. This will be addressed in the Analysis/Rationale for Recommendation section of this Report regarding the variance for Building Height. Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
   i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan;
ii) It conforms to the Hamilton-Wentworth Official Plan and Hamilton Official Plan;

iii) It provides an opportunity to update and re-develop a significant public facility in the City of Hamilton, which will expand the range of uses and opportunities for the stadium, including participation in the 2015 Pan Am Games; and,

iv) The re-development of the stadium will improve upon an existing situation by adding additional parking to the stadium site, and by providing an opportunity to address the site design of the stadium to increase compatibility with the surrounding neighbourhood.

2. As part of the City of Hamilton’s participation in the 2015 Pan American Games, Ivor Wynne Stadium will be re-developed and renovated in anticipation of its use as a soccer stadium for the duration of the Games. The feasibility of re-developing the Ivor Wynne Stadium site was reviewed in the Report titled “International Event Opportunities - 2015 Pan Am Games Update”, which was presented to the General Issues Committee on January 24, 2011. The Report concluded that the proposed re-development was feasible and could be accommodated within the existing Ivor Wynne site. The Report also noted the zoning issues that would need to be addressed prior to the stadium re-development, and which are the subject of this staff Report.

The re-development of the stadium is being completed as a partnership between the provincial and municipal levels of government, with funding being provided by both parties. Following the use of the stadium during the Pan Am Games, the re-developed stadium will be a legacy for the community as the continuing home to the Hamilton Tiger Cats, and as a sporting venue for local community teams. Therefore, re-development of the stadium represents a unique opportunity to partner with other levels of government to improve upon a community facility that is in need of repair and updating. Ivor Wynne Stadium was built in 1928 for the 1930 British Empire Games. It is an important community asset that will benefit from the re-development to make it worthy of an international competition. Hamilton’s participation in the Pan Am Games is an opportunity for the City to participate in an international sporting event which will be beneficial to the local economy and local tourism efforts. Therefore, the re-development of the stadium is a positive outcome.

3. As noted above, in order to facilitate the re-development of the Ivor Wynne Stadium site, amendments are required to the existing City Wide Park (P3) Zoning. These amendments are described and discussed below.
Building Height

The re-development of the stadium includes the replacement of the existing south stands. The City Wide Park (P3) Zone permits a maximum height of 11 metres. The existing south stands have a maximum height of approximately 30 metres to the top of the press box. The new stands are proposed with a maximum height of 40 metres. With regard to the height increase, staff's primary concern is the impact of the height increase on adjacent dwellings. Of particular concern are the dwellings on the east side of Balsam Avenue North, directly across from the stadium. Staff received a letter from one of the residents on Balsam Avenue concerned about this issue. In order to ensure that these dwellings would not be negatively impacted by the new structure, staff requested that a Sun-Shadow study be prepared by the architect to determine the impact of the new stands on the amount of sunlight received by these dwellings. The study examined the shadow impact from the stadium on June 21 and December 21 at 10:00a.m., 12:00p.m., 2:00p.m., and 4:00p.m. to provide a representative determination of shadow impact. The study demonstrated that the amount of sunlight received by these dwellings in the summer and winter will not be significantly affected by the rebuilt stands. Therefore, staff is supportive of the variance to allow for an increase in building height.

Staff notes that the height of the north stands will not change, as the existing north stands are being maintained and renovated. Further, staff notes that the proposed re-development includes light standards on top of the stands, which are proposed at a height of 50 metres. The Zoning Amendment has been written to allow for the height of the proposed light standards, which are required to provide field lighting for stadium events. At the Site Plan Control stage, a lighting plan will be required as a condition of approval to ensure that the lighting is appropriately placed on the site in a manner which minimizes impact on adjacent properties.

Required Side and Rear Yard Setbacks

The City Wide Park (P3) Zone requires minimum side and rear yard setbacks of 7.5 metres. Staff notes that the location of the existing north and south stands do not conform to this requirement as the north stands have a 0 metre setback to Beechwood Avenue, and the south and east end stands have a 0 metre setback to Balsam Avenue North. Further, the re-developed south stands are proposed to be located with a 0 metre setback to both Balsam Avenue North and Melrose Avenue North. The amending By-law has, therefore, been written to recognize the existing situation and the further encroachment of the new south stands by requiring a 0 metre side and rear yard setback. Staff is supportive of this variance as it recognizes an existing situation, and through the Site Plan Control
application, staff will ensure that appropriate design and landscape features are included in the development, where possible, to improve the streetscape and compatibility with the surrounding area.

**Maximum Size for Retail**

The City Wide Park (P3) Zone includes a provision stating that the maximum size for a retail use shall not exceed 100 square metres of gross floor area for any individual establishment. Within the stadium there are several retail uses proposed, such as merchandise outlets and ticket sales. At this time, it is not known if any of the individual retail uses will exceed 100 square metres. Therefore, to allow for flexibility in design, the amending Zoning By-law includes a provision which removes the maximum size restriction for retail uses that are located within the stadium building.

**Location of Loading Spaces**

Section 5.21 b) of Zoning By-law 05-200 states that loading doors and associated loading facilities shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of the By-law. A visual barrier may consist of a wall or fence, a continuous planting of trees or shrubs, a berm, or a combination of these features. The proposed site plan for the stadium re-development indicates a loading and deliveries dock, fully enclosed within the new south stands, on the Melrose Avenue North side of the stands. Trucks will enter and exit onto Melrose Avenue North, with the loading dock doors facing Melrose Avenue. Staff is supportive of the variance to allow the loading facilities to be located in a yard abutting a street because the loading facilities are fully enclosed, with doors that can provide the function of a visual barrier, thereby meeting the intent of Section 5.21 of the Zoning By-law. Staff further notes that by the nature of the site, with frontage on four sides, it would not be possible to find a location for the new loading area that complies with Section 5.21 of the By-law. Further discussion of the loading area is provided below, as related to safety and design concerns.

**Definition of Planting Strip**

Zoning By-law 05-200 requires that parking spaces shall not be located within 3.0 metres of a street line, and that a planting strip shall be maintained between the street line and the parking spaces. The preliminary site plan, attached as Appendix “C”, indicates this required planting strip will be provided along the Cannon Street frontage between the parking area and the street line. However, in order to ensure that a sidewalk is provided along this frontage in addition to the required plantings, and to avoid potential conflicts with underground services, the
sidewalk may need to be located within a portion of the 3.0 metre planting strip. Therefore, the definition of planting strip has been amended in the attached By-law to permit a sidewalk to be located within a planting strip. It is important to note, however, that the required plantings would also be provided within the planting strip to provide the required buffer between the parking area and the street line, thereby improving the street edge.

Location of Parking Facilities for Prince of Wales School (77 Melrose Avenue)

Section 5.1 a) ii) of Zoning By-law 05-200 states that where the provision of parking on the same lot as a use requiring such parking is not possible, such parking may be located on another lot within 300 metres of the lot containing the use requiring the parking, provided that the alternate parking shall only be provided in a Commercial, Industrial or Downtown Zone, or within the same zone as the use requiring the parking. The Prince of Wales School located at 77 Melrose Avenue (across from the stadium) currently uses the parking area on the southwest corner of the stadium lands for school parking. A variance was granted in 2007 to permit this arrangement, because the off-site parking for the school was being provided in a zone that did not meet the criteria of Section 5.1 a) ii). The school is zoned I1, whereas the stadium lands are zoned P3. It is proposed that the school will continue to use the re-developed stadium parking area as required parking for the school site and, therefore, to ensure that conformity with the Zoning By-law is maintained, a provision has been included in the amending By-law to state that parking for the school facility may be provided on the subject lands in a parking area that is not located in the same zone as the school.

4. The stadium re-development is subject to Site Plan Control, at which time issues related to grading, drainage, traffic, parking, landscaping, lighting, and design will be addressed. In particular, the following areas of concern will be addressed through the Site Plan Control application:

Urban Design

Ivor Wynne stadium is a well known and important City landmark. The stadium was first developed in 1928 for the British Empire Games. Over the years it has grown into an urban stadium that is completely surrounded by a residential community. The streetscape character that has emerged over the years does not fully realize the potential of an important cultural and sporting facility. The stadium re-development provides an opportunity to invest in and improve upon the facility.
The design of the stadium re-development should be consistent with the Urban Design policies of the Urban Hamilton Official Plan and the City of Hamilton Site Plan Guidelines. Through review and approval of the Site Plan Control application, the following should be addressed:

- Enhanced treatment of street edges and streetscape enhancements of all frontages, including additional landscaping, screening of loading and service areas, visually interesting fencing and paving treatments, and enhanced design and treatment of public spaces and plazas, including opportunities for seating and public art;

- Architectural enhancements of the north stands, including exterior materials consistent with the proposed south stands. The exterior materials should be chosen from durable material such as pre-cast, stone or brick to achieve an exterior building design consistent with the south stands. Metal panelling should not be accepted as the principle exterior cladding for the south or north stands;

- Implementation of the Transit Oriented Development Guidelines, including additional bus drop off locations with shelter and shade provided, cycling facilities, and inclusion of Urban Braille;

- Flexible design of the proposed public plazas should be encouraged. The size of the plazas could be enlarged to deal with crowd numbers and offer opportunities for additional programming, including food service, entertainment and gathering areas;

- Breaking up of large parking areas with pedestrian crosswalks;

- Large areas of blank facades should be broken up with changes in colour, plane, and texture; and,

- Provision of a high degree of accessibility.

The above issues will be addressed through a thorough review of the Site Plan Control application.

**Loading**

As mentioned above in the comments from the Traffic Engineering and Operations Section, there are concerns regarding the location of the new loading docks under the south stands. The proposed site plan indicates the new loading area will have access from Melrose Avenue North, and due to space restrictions,
trucks would be required to reverse into the loading area and exit in a forward manner. This is contrary to the City’s standard recommendation regarding loading areas which is to have trucks enter and exit the site in a forward manner. Further, as the location of the loading dock is directly adjacent to the street line, with a 0 metre setback, there is a concern over safety of pedestrians on the Melrose Avenue sidewalk due to a lack of visibility for truck drivers. Therefore, through review of the Site Plan Control application, a review of options to improve visibility and circulation of the loading area will be considered, which may include the use of open or low level walls to improve visibility, or expanding the loading area within the south stands to allow for increased truck movement.

5. The site plan attached as Appendix “C” represents the ultimate development of the subject lands following the completion of the Pan Am Games in 2015. Two additional plans have also been provided (see Appendix “D”), which represent temporary states of development of the site “Pre Pan Am Games” and “During Pan Am Games”. During the “Pre Pan Am Games” mode, parking will be provided in the area south of the stadium, as an interim facility, with base coat asphalt and painted markings. However, curbing, islands, and landscaping will not be provided due to space restrictions which will arise during the Pan Am Games. The “During Pan Am Games” site plan indicates that the parking area south of the stadium will be used for a broadcast compound, operations compound, and loading and unloading areas for athletes. The entire future parking lot area will be in use for the duration of the games for these temporary activities. The limited space means that the planting strip that will ultimately be provided along the street line, and the landscaped islands within the parking area, will not be provided until the Games have concluded. However, it is important to note that this is a temporary state of development. The final site plan (see Appendix “C”) indicates the required plantings along the street line, as well as landscaped islands and additional landscaping within and around the parking area. This is an important element of site design and streetscape improvement and, therefore, must be provided for the ultimate site development and shown on the final approved site plan. Staff will ensure that this requirement is fulfilled.

6. As part of the re-development of the stadium, the existing scoreboard on the west side adjacent to Melrose Avenue North is proposed to be replaced and relocated. Staff notes that the scoreboard is considered to be a sign and is, therefore, subject to the provisions of the City of Hamilton Sign By-law 10-197. Any other proposed signage on the site would also be subject to the Sign By-law. Details on the new scoreboard and other site signage have not been provided at this time. Any variances to the Sign By-law are subject to the approval of the Director of Planning.
7. There are public watermains and combined storm and sanitary sewers located on Balsam Avenue North, Beechwood Avenue, Melrose Avenue North, and Cannon Street East. There are separate storm sewers located on the north section of Balsam Avenue (adjacent to the stadium), on Beechwood Avenue (east of Leinster Avenue), and on the westerly portion of Cannon Street East.

At the Site Plan Control stage, servicing details including layout, water usage/sewage generation rates, and fire flow calculations will be a condition of approval. Also, as the proposed stadium renovations will likely increase the impervious area of the lands, stormwater management must reflect both quality and quantity control. Further, the detailed design must address the fact that in the absence of an overland flow route, the 100 year storm shall be controlled to the capacity of the pipe to which the system outlets, to the satisfaction of the Manager of Engineering Design and Construction. In the absence of actual capacity analysis, the allowable release rate of flows from the proposed development is to be determined by the original design criteria of the existing system. On-site stormwater management must also be utilized to control post development flows to existing levels for the 2, 5, 10, 25, 50, and 100 year events.

According to records, there are no required road widenings on Balsam Avenue North or Melrose Avenue North. The existing road allowance width of Cannon Street East is 66 feet or 20.12 metres. Cannon Street is a collector road, and as such, the Urban Hamilton Official Plan requires a designated width of 86 feet or 26.213 metres. Further, records indicate that the current road allowance width of Beechwood Avenue is 48 feet or 14.63 metres. In accordance with the Urban Hamilton Official Plan, the designated width for local roads is 50 feet or 15.24 metres. The Urban Hamilton Official Plan also requires daylight triangles to be incorporated into the road allowance at the four intersection corners.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the application is denied, any re-development of the stadium site would be required to comply with the provisions of the City Wide Park (P3) Zone.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
CORPORATE STRATEGIC PLAN


Skilled, Innovative, and Respectful Organization

- More innovation, greater teamwork, better client focus.

Financial Sustainability

- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost effective manner.

Intergovernmental Relationships

- Acquire greater share of Provincial and Federal grants (including those that meet specific needs).

Growing Our Economy

- A visitor and convention destination.

Environmental Stewardship

- Aspiring to the highest environmental standards.

Healthy Community

- An engaged Citizenry.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment (By-law 05-200)
- Appendix “C”: Preliminary Site Plan (Final Site Development)
- Appendix “D”: Preliminary Site Plans ("Pre Pan-Am Games" and "During Pan-Am Games" - Temporary)
- Appendix “E”: Public Comments

:HT
Attachs. (5)
Appendix "A" to Report PED11141

Location Map

File Name/Number: CI-11-B
Date: July 8, 2011

Appendix "A" Scale: N.T.S.
Planner/Technician: HT/AL

Subject Property
75 Balsam Avenue North & 160 Beechwood Avenue

Modification to the existing City Wide Park (P3) Zone
CITY OF HAMILTON

BY-LAW NO. [Blank]

To Amend Zoning By-law 05-200
Respecting Lands Located at
75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [Blank] of Report 11-[Blank] of the Planning Committee, at its meeting held on the [Blank] day of [Blank], 2011, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 956 and 998 of Schedule “A” - Zoning Maps, appended to and forming part of By-law No. 05-200 is amended, by changing the zoning from the City Wide Park (P3) Zone to the City Wide Park (P3, 42) Zone, with a Special Exception, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Schedule "C": Special Exceptions of By-law No. 05-200 is amended by adding an additional Special Exception as follows:

42. Notwithstanding Sections 3, 5.1 a) ii), 5.2.1 b), and 7.3.3 a), b), and d) of this By-law, within the lands zoned City Wide Park (P3) Zone, Modified, identified on Maps 956 and 998 of Schedule “A” - Zoning Maps and described as 75 Balsam Avenue North and 160 Beechwood Avenue, the following special provisions shall apply:

   a. For the purposes of Special Exception No. 42, the following definition shall apply:

      **Planting Strip**
      Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer, and may include a sidewalk.

   b. **Minimum Side and Rear Yard** 0 metres.

   c. **Maximum Building Height, Exclusive of any Attached Stadium Lighting** 40.0 metres.

   d. **Maximum Size for Retail** Shall not apply to retail uses located within stadium building.

   e. **Location of Loading Facilities** Shall be permitted in a yard abutting a street.

   f. **Location of Parking Facilities for School Located at 77 Melrose Avenue North** Shall be permitted on the subject lands notwithstanding that the lot to accommodate the parking facilities is not located in the same zone as the school.

2. 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.
3. That this By-law No. shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this by-law, or as otherwise provided by the said Sub-section.

PASSED and ENACTED this day of , 2011.

R. Bratina
Mayor

R. Caterini
Clerk

CI-11-B
Appendix “B” to Report PED11141 (Page 4 of 4)

This is Schedule "A" to By-Law No. 11-
Passed the .......... day of ....................... , 2011

Schedule "A"

Map Forming Part of
By-Law No. 11-_____
to Amend By-law No. 05-200
Maps 998 & 956

Subject Property
75 Balsam Avenue North & 160 Beechwood Avenue

Lands to be rezoned from City Wide Park (P3) Zone
to City Wide Park (P3, 42) Zone
“Pre Pan-Am Games” Site Plan (temporary)
From: Lynda Spencer  
Sent: Friday, June 03, 2011 12:43 PM  
To: Travis, Heather  
Subject: FILE NO: C1-11-B  
Importance: High  

Good afternoon Heather,

I received your letter dated May 26, 2011 regarding Zoning changes planned for Ivor Wynne Stadium.

I wanted to ask what 'reduced yard setbacks' means and what exact addresses would be affected by this.

Please advise asap as my neighbours and I will be adversely affected if this means that the City is taking parts of our front lawns, driveways, etc.

Thanks

Lynda Spencer  
134 Balsam Avenue North  
Hamilton, Ontario  
L8L 6Y3
Travis, Heather

From: Erica Hall
Sent: Monday, June 13, 2011 11:03 PM
To: Travis, Heather
Subject: File No: CI-11-B

Dear Heather,

I am making my comments regarding the Zoning By-law Amendment Application regarding Ivor Wynne Stadium.

As a resident of 126 Balsam Avenue North, directly across from the wall and score board of the stadium, I would like to ensure I have the right to receive any necessary information regarding the changes and and thus I’m sending this e-mail.

I would like to put forward my concerns regarding the changes. My main concern is regarding the height of the stands on the south side of the stadium and the scoreboard at the east end zone, which could affect the amount of light reaching my living room. It is also important to me to have the wall of the stadium kept a light colour, preferably white, so that in the morning hours, the sun is reflected off of the wall, providing more available light.

Thank you for allowing me the opportunity to voice my concerns,

Sincerely,

Erica Hall.