SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 1520 Stone Church Road East (Hamilton) (PED08226) (Ward 6)

RECOMMENDATION:

That approval be given to amended Zoning Application ZAC-08-021, by Henry Merling, Agent for Mercanti Banquet and Convention Centre, Owner, for changes in zoning from the “M-14/S-658a” and “S-982” (Prestige Industrial) District, Modified (Block “1”), and “M-14/S-658a” and “S-1039” (Prestige Industrial) District, Modified (Block “2”), to the “M-14/S-1596” (Prestige Industrial) District, Modified, in order to permit an 8-storey, 53 room hotel, for the lands located at 1520 Stone Church Road East (Hamilton), as shown on Appendix “A” to Report PED08226, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to permit the development of an 8-storey, 53 room hotel accessory to the existing banquet hall, as shown on the attached concept plan (Appendix “C”). In addition, this application proposes to increase the maximum permitted height and includes a number of modifications to the parking requirements to permit the proposed hotel.

The application has merit since it is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

BACKGROUND:

Proposal

The applicant has applied for changes in zoning to permit the development of a 53 room hotel on the subject lands. The lands at 1520 Stone Church Road East are currently being used as Carmen's Banquet Centre, and the proposed hotel will be accessory to the existing banquet centre on the subject lands. The applicant submitted a concept plan showing the proposed location of the hotel in relation to the existing banquet centre and has requested an increase to the maximum permitted height from 14.0 metres to 27.0 metres, or 8-storeys (see Appendix “C”). A number of additional modifications are also required to permit the development of the hotel. The proposed modifications include:

- Requiring no additional parking to be provided for the proposed hotel;
- Reducing the length of parking spaces from the minimum 6.0 metres to 5.5 metres; and,
- Permitting the existing signs to be located within the landscape strip.

Zoning Applications ZA-86-60 and ZA-87-62

In 1986 and 1987, Hamilton City Council passed By-law Nos. 86-294 and 87-346, respectively, which modified the “M-14” (Prestige Industrial) District in order to permit caterers, including banquet facilities as a permitted use on the subject lands.

Details of Submitted Application

Location: 1520 Stone Church Road East (see Appendix “A”)

Owner: Mercanti Banquet and Convention Centre

Applicant/Agent: Henry Merling
SUBJECT: Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 1520 Stone Church Road East (Hamilton) (PED08226) (Ward 6) - Page 3 of 8

Property Description:  
Total Lot Frontage: 83.6 metres (Stone Church Road)  
Lot Flankage: 144 metres (Anchor Road)  
Total Lot Area: 12,302 square metres

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Banquet Hall</td>
<td>“M-14/S-658a” (Prestige Industrial) District, Modified; “M-14/S-982” (Prestige Industrial) District, Modified; “M-14/S-1039” (Prestige Industrial) District, Modified</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
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<tr>
<td>North</td>
<td>Bowling Alley</td>
<td>“M-13/S-563” (Prestige Industrial) District, Modified</td>
</tr>
<tr>
<td>South</td>
<td>Industrial Plaza</td>
<td>“M-14/S-658a” (Prestige Industrial) District, Modified</td>
</tr>
<tr>
<td>East</td>
<td>Self Storage Facility and Industrial Plaza</td>
<td>“M-14” (Prestige Industrial) District</td>
</tr>
<tr>
<td>West</td>
<td>Wentworth Shooting Sports Club</td>
<td>“M-13/S-658a” (Prestige Industrial) District, Modified; and, “M-13/S-658c” (Prestige Industrial) District, Modified</td>
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<tr>
<td></td>
<td>Banquet Hall</td>
<td></td>
</tr>
</tbody>
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**ANALYSIS/RATIONALE:**

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

   (i) The proposed changes in zoning are consistent with the Provincial Policy Statement.


   (iii) The proposed changes in zoning conform to the “Industrial” Designation in the City of Hamilton Official Plan.
(iv) The proposed use would be compatible with and serve the uses in the Business Park.

2. The subject lands are located on the southeast corner of Stone Church Road East and Anchor Road, known municipally as 1520 Stone Church Road East (Appendix “A”). The lands are designated “Industrial” in the City of Hamilton Official Plan. The “Industrial” designation permits business enterprises, such as, but not limited to, banks, restaurants, garages, material suppliers, day nurseries, etc., which are intended to directly serve the industries and their personnel. The proposed hotel will serve both the existing businesses within the Business Park and the banquet centre. As the nature of the application is to permit a hotel accessory to the existing banquet centre which will also serve the needs of the surrounding area, the proposal conforms to the policies of the City of Hamilton Official Plan.

3. The applicant has submitted a concept plan with the application, attached as Appendix “C”. In order to permit the development of the proposed hotel, a number of site-specific modifications to the parking building, height, and landscaping requirements have also been requested in the amending By-law. The modifications are as follows:

Parking Requirements

The existing banquet centre, which accommodates approximately 1,000 to 1,100 people depending on seating layout, currently provides 197 parking spaces, while the Hamilton Zoning By-law requires a minimum of 184 parking spaces (1 parking space per 6 persons who may be lawfully accommodated) to be provided for this facility. Therefore, the existing banquet centre currently provides an excess of approximately 13 parking spaces. In order to accommodate the proposed hotel, 22 of the existing 197 parking spaces will have to be removed for a total of 175 on-site parking spaces. The agent has advised that if the proposed hotel is permitted, the maximum capacity of the existing banquet centre will decrease to a maximum of 1,000 people, as a result of the proposed construction. Staff notes that the required number of parking spaces for the existing banquet centre would still be provided if the proposed hotel is constructed (i.e. 167 spaces required and 175 provided).

In the Hamilton Zoning By-law No. 6593, a hotel requires parking at a rate of 1 parking space per guest room; therefore, a total of 53 parking spaces would be required for the proposed 53 room hotel. Since the hotel is accessory to the banquet centre, parking for the hotel can be shared with the banquet facility. The agent has indicated that on weekends the majority of the hotel guests will be those who attend an event at the banquet facility. Therefore, staff is satisfied that additional parking will not be required for the proposed hotel. Conversely, when
the banquet centre facilities are not being used, excess parking is available during the week for hotel guests.

The applicant is proposing to reduce the minimum required length of a parking space to 5.5 metres, whereas the Zoning By-law requires a minimum of 6.0 metres. This will allow the applicant to maximize on-site parking as a result of the reconfiguration of parking spaces and manoeuvring aisles. The reductions can be supported since the proposed length is consistent with the minimum length of parking spaces (5.5 metres), as permitted in the New City of Hamilton Zoning By-law No. 05-200.

**Height Requirements**

The applicant is proposing to increase the maximum permitted height for the hotel to 27.0 metres, or 8-storeys, whereas the Zoning By-law permits a maximum height of 14.0 metres. Staff notes that the proposed height is within the maximum permitted height of 36.5 metres for a hotel in the “M-11” (Prestige Industrial) District. Also, the proposed height increase will allow for the development of the hotel on a smaller building footprint, therefore, retaining more area to accommodate parking. As shown on the concept plan (see Appendix “C”), the hotel is proposed to be located at the rear corner of the existing banquet centre. Staff is satisfied that the proposed increase in height will not negatively impact the surrounding lands uses, and is within the range that is permitted in the “M-11” (Prestige Industrial) District provisions. Staff also notes that as part of the Site Plan Control process, the building elevations will be reviewed to ensure the design of the hotel is visually pleasing in that it will have prominent views from the west and the Lincoln Alexander Parkway, as the site is on a high point of land.

**Landscaping Requirements**

There are currently two existing signs on either side of the access onto Stone Church Road East which are not permitted to be located within the required landscaped area. Staff supports the modification to permit the existing signs to be located within the required landscape strip since the signs have existed in this location for a number of years.

4. Staff received three written responses (see Appendix “D”) as a result of the preliminary circulation of the application. One of the responses was in support of the proposal stating that the proposed hotel would bring increased tax revenue to the City, and that the hotel would provide an increase in security against vandalism and break-ins because more people would be in the area during weekday evenings. The other two responses expressed concerns with the proposal, specifically related to a lack of parking for the site when the banquet centre is operating at capacity. As previously mentioned, the existing banquet
centre currently exceeds the required number of parking spaces as required by the Hamilton Zoning By-law No. 6593. Also, the proposed hotel is accessory to the existing banquet centre, and that weekend guests at the proposed hotel will most likely be those who are attending an event at the banquet centre.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, the use of the subject property would continue to be regulated by the site-specific “M-14” (Prestige Industrial) District, Modified, provisions contained in Zoning By-law No. 6593.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with Policy 1.3 that promotes economic development and competitiveness in Employment Areas.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area - Business Park” in the Hamilton-Wentworth Official Plan. Policy C-3.2.3.1(b) permits service type uses including hotels, banquet centres and recreational facilities to locate within Business Parks. As the nature of the application is to permit a hotel on the subject lands, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject property is designated “Industrial” in the City of Hamilton Official Plan. Policy A.2.3.1(ii) and (iv) permits business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, day nurseries, etc., which are intended to directly serve the Industries and their personnel, as well as all uses which, in the opinion
of Council, complement and do not interfere with, or detract from, the primary function of the area. As the nature of the application is to permit a hotel accessory to the existing banquet centre which will also serve the needs of the surrounding industrial area, the proposal conforms to the policies of the City of Hamilton Official Plan.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Traffic Engineering and Operations Section, Public Works Department.
- Open Space Development and Park Planning Section, Public Works Department.
- Horizon Utilities.

The *Water and Wastewater Division, Public Works Department*, commented that at the time of Site Plan Control, the owner will be required to demonstrate to the Fire Department that the proposed site servicing meets the requirements for fire protection.

The *Forestry and Horticulture Section, Public Works Department*, has identified that there are 31 Municipal Tree Assets located along the road allowance of this development. Tree impact will be determined at the Site Plan Control Stage.

*Bell Canada* has noted that they currently have an entrance cable and inside terminal serving the subject lands. If relocation is required, the owner must contact Bell Canada.

The *Hamilton Conservation Authority* has noted that the site is located within the Upper Hannon Creek watershed area of the Red Hill Creek, however, the site does not contain flood or erosion hazard land, nor is it located within or in close proximity to natural heritage features. As a result, the proposed new development will not require a permit from the Hamilton Conservation Authority pursuant to the *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*. If the proposed development results in a significant increase in the imperviousness of the site, a stormwater management report may be required at the Site Plan Control stage.

**Public Consultation**

In accordance with the new provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 144 property owners within 120 metres of the subject property on April 30, 2008. To date, three formal responses have been received (Appendix “D”), which are discussed in the Analysis/Rationale section of the report (Comment 4).

Further, a Public Notice sign was posted on the property on May 12, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*. 
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
The proposal represents an opportunity for an existing business in Hamilton to expand without an increase in land consumption.

Economic Well-Being is enhanced. ☑ Yes □ No
The proposal represents an opportunity to introduce a new business enterprise to serve the needs of the Business Park and their personnel as well as encourage the continued viability of an existing 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

:JD
Attachs: (4)
Appendix “A” to Report PED08226

Location Map

File Name/Number: ZAC-08-021
Date: September 10, 2008
Appendix "A"
Scale: N.T.S.
Planner/Technician: JD/NH

Subject Property
1520 Stone Church Road East, Hamilton

Block 1 - Change in Zoning from "M-14/S-658a" (Prestige Industrial) District, Modified and "M-14/S-682" (Prestige Industrial) District, Modified to "M-14/S-1596" (Prestige Industrial) District, Modified.

Block 2 - Change in Zoning from "M-14/S-658a" (Prestige Industrial) District, Modified and "M-14/S-1039" (Prestige Industrial) District, Modified to "M-14/S-1596" (Prestige Industrial) District, Modified.
CITY OF HAMILTON

BY-LAW NO. 6593 (Hamilton)
To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands Located at 1520 Stone Church Road East

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 City of Hamilton” 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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Economic Development and Planning Committee at its meeting held on the day of 2008, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-69c of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended:
Appendix “B” to Report PED08226

(Page 2 of 4)

(a) by changing from the “M-14/S-658a” (Prestige Industrial) District, Modified, and the “M-14/S-982” (Prestige Industrial) District, Modified, to the “M-14/S-1596” (Prestige Industrial) District, Modified, the lands comprised of Block “1”; and,

(b) by changing from the “M-14/S-658a” (Prestige Industrial) District, Modified, and the “M-14/S-1039” (Prestige Industrial) District, Modified, to the “M-14/S-1596” (Prestige Industrial) District, Modified, the lands comprised of Block “2”;

on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “M-14” (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, applicable to Blocks “1” and “2”, are modified to include the following special requirements:

(a) Notwithstanding Subsection 17F(1)(b) of Zoning By-law 6593, caterers, including banquet facilities, and a hotel having a maximum of 53 rooms as an accessory use to a banquet facility, shall be permitted.

(b) Notwithstanding Subsection 17F(2)(a) of Zoning By-law No. 6593, a hotel shall not exceed 27.0 metres and 8 storeys in height.

(c) Notwithstanding Subsections 17F(2)(e) and 2(2)(J)(xb) of Zoning By-law 6593, the signs existing on the date of the passing of this By-law, being the ______ day of ______, 2008, are permitted to be located within the required landscaped area.

(d) Notwithstanding Subsection 18A(1)(a) of Zoning By-law No. 6593, a minimum of 175 parking spaces shall be provided and maintained for the banquet facility existing on the date of the passing of this By-law, being the ______ day of ______, 2008, and a hotel having a maximum of 53 rooms as an accessory use to a banquet facility.

(e) Notwithstanding Subsection 18A(7) every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.

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 “M-14” (Prestige Industrial) District provisions, subject to the special requirements referred to in Section 2.

4. Sheet No. E-69c of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1596.
5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1596.

6. 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 , 2008.

________________________________________  _______________________________________
FRED EISENBERGER  KEVIN C. CHRISTENSON
MAYOR  CLERK

ZAC-08-021
Appendix "B" to Report PED08226
(Page 4 of 4)

This is Schedule "A" to By-Law No. 08-
Passed the .......... day of .................., 2008

Schedule "A"

Map Forming Part of By-Law No. 08-____
to Amend By-law No. 6593

Subject Property

1520 Stone Church Road East, Hamilton

Block 1 - Change in Zoning from "M-14/S-659a" (Prestige Industrial) District, Modified and "M-14/S-982" (Prestige Industrial) District, Modified to "M-14/S-1596" (Prestige Industrial) District, Modified.

Block 2 - Change in Zoning from "M-14/S-659a" (Prestige Industrial) District, Modified and "M-14/S-1039" (Prestige Industrial) District, Modified to "M-14/S-1596" (Prestige Industrial) District, Modified.
May 8 2008

The City of Hamilton
Planning & Economic Development Dept.
77 James Street North, Suite 400
Hamilton, Ontario
L8R 2K3

Dear Sir/Madam: Re: File No. ZAC-08-021

Further to the Notice I received regarding the application by Mercanti Banquet & Convention Centre for a Zoning By-Law Amendment, please be advised that I support this application. Shortly after building our mini-storage facility at 1550 Stonechurch Road East in 1986, Carmen’s Banquet Centre arrived next door. In the subsequent 20+ years of being neighbours I could not have asked for a better neighbour.

Aside from the obvious benefit of increased tax revenue for The City of Hamilton, a secondary benefit for my business and the surrounding neighbourhood, is an increase in security. Currently this area is very desolate at night, which of course makes this an ideal area for break-ins and vandalism. Having a hotel in the area would obviously bring more people into the neighbourhood in the evenings. More people in an area throughout the evening equates to less vandalism and break-ins.

In my opinion the arrival of a hotel would benefit both The City of Hamilton and the surrounding neighbours. As a result, I support this application.

Yours truly

Gibbs Smith
President
The Storage House Ltd.

"FIRST ON THE MOUNTAIN"
May 22, 2008

City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning, East Section
77 James Street North; Ste. 400
Hamilton, Ontario
L8R 2K3

Attention: Jennifer d’Andrade

Dear Sirs:

Re: Your File No. ZAC-08-021
Zoning By-Law Amendment – 1520 Stonechurch Road East, Hamilton

I am in receipt of the notification of the proposed zoning By-Law amendment application for 1520 Stonechurch Road East and would like to make the following comment.

The By-law amendment is to facilitate the building of a 60-room hotel as part of the existing building. I do not oppose this proposed addition. However, I do have a major concern over the parking issue. As an owner in a business condominium complex across the road from the banquet centre, I am aware of the current parking issue when the centre is operating at full capacity. Banquet hall attendees who are unable to park in the centre’s current parking lot have a tendency to park wherever it is convenient for them. This includes parking on both sides of Bigwin Road and in the parking lot of the complex that my office occupies. When parking on both sides of Bigwin Road, the street is reduced to one narrow lane which is to facilitate two-way traffic and the turning of trucks in and out of the property. Also when banquet hall attendees park in the lots of adjacent properties, they do not take into consideration the fact that a unit owner may need access to his unit, particularly at the rear of the building and block both access into a unit and the driveway to the rear of the building. When I have to deal with an emergency situation at a customer’s business and I lose valuable time trying to get into my unit, I am not pleased.

I would like to make sure that there will be adequate parking for both the banquet centre and the hotel and not just a combination for the complete site.

Thank you for considering my comment.

Yours truly,

David J. Mason
D. J. Mason Electric Co. Ltd.
May 22, 2008

City of Hamilton  
Planning and Economic Development Department  
Planning Division, Development Planning, East Section  
77 James Street North; Ste. 400  
Hamilton, Ontario  
L8R 2K3

Attention: Jennifer d’Andrade

Dear Sirs:

Re: Your File No. ZAC-08-021  
Zoning By-Law Amendment – 1520 Stonechurch Road East, Hamilton

On behalf of the owners under Wentworth Condominium Corporation #143 at 38 Bigwin Road, I would like to make a comment concerning the By-Law Amendment application for 1520 Stonechurch Road East.

We understand the amendment is sought to facilitate the building of a 60-room hotel as part of the existing building. We are not opposed to this building addition but have a major concern over the parking issue. At the current time, the parking for this site is not adequate when the facilitate is operating at capacity. Clients park on both sides of Bigwin Road, which significantly narrow the street to one lane, and in the parking lots of the adjacent properties, our property being one of those affected. When clients park in our complex they park wherever they feel is convenient for them and do not take into consideration that some of the businesses in our business complex need to access their unit during off hours and are sometimes limited due to how someone has parked their vehicle. In our own complex we have to deal with the increased parking needs of our current owners and little space for an increase to the parking area footprint. As a result we would like to see more information with respect to the owners and the city’s intentions for how this problem will be handled in conjunction with the space the new building addition will take from the current parking lot.

We would like to make sure that there will be adequate parking for both the banquet centre and the hotel and not just a combination for the complete site.

Thank you for considering our comment.

Yours truly,

Jennifer Mason  
Property Administrator WCC #143