SUBJECT: Application for a Change in Zoning on a Portion of the Lands Known as 404 McNeilly Road (Stoney Creek) (PED05199) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-05-100, Losani Homes, owner, for an amendment to the Zoning By-law for the former City of Stoney Creek, to change the zoning from the Prestige Industrial (Holding) “MT(H)” Zone, to the Prestige Industrial “MT-8” Zone in order to permit a contractor’s compound and outside storage on a portion of the lands known as 404 McNeilly Road, as shown on Appendix “A” to Report PED05199, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED05199, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(b) That the amending By-law be added to Schedule “A”, Map No. 3, of Zoning By-law No. 3692-92.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

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

The proposed change in zoning of the subject lands is to permit outside storage in a contractor’s compound yard (see Appendix “A”).

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan. The proposal is considered to be compatible with the surrounding industrial area.

BACKGROUND:

Proposal

The applicant, Losani Homes, has applied to change the zoning on part of 404 McNeilly Road (see Appendix “A”) from the Prestige Industrial (Holding) “MT (H)” Zone to a site-specific Prestige Industrial “MT-8” Zone in order to permit outside storage in a compound yard. A prefabricated industrial building will be located in the storage yard and the area will be fenced and screened from adjacent dwellings. The applicant has applied for site plan approval for these lands and a copy of the site plan is attached as Appendix “C”. The applicant has indicated that no heavy construction equipment will be stored on site. Losani Homes’ main office is located on the adjacent lands, known as 432 McNeilly Road (see Appendix “A”). The outside storage area will be utilized for the storage of construction equipment related to the applicant’s building business.

Details of Submitted Application

Owner/Applicant: Losani Homes

Location: 404 McNeilly Road

Description:

Frontage: 3.1 metres (McNeilly Road)

Depth: 115.8 metres (north) 57.3 metres (south)

Lot Area: 0.43 hectares
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>Prestige Industrial (Holding) “MT(H)” Zone</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
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<tr>
<td>North</td>
<td>Industrial Building</td>
<td>Prestige Industrial “MT” Zone</td>
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<tr>
<td>South</td>
<td>Vacant</td>
<td>Prestige Industrial (Holding) “MT(H)” Zone and General Industrial “MG” Zone</td>
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<tr>
<td>East</td>
<td>Industrial Building</td>
<td>Prestige Industrial “MT” Zone and General Industrial “MG” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single detached dwellings</td>
<td>Prestige Industrial (Holding) “MT(H)” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. This proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement and it conforms to the Hamilton-Wentworth Official Plan and to the City of Stoney Creek Official Plan.
   
   (ii) The development of the subject lands is subject to site plan approval, which will permit staff the opportunity to review the proposal in more detail in terms of grading, landscaping and screening.
   
   (iii) It is considered to be compatible with the existing and planned development in the immediate area.

2. The development of the subject lands requires site plan approval. The applicant has applied for the approval of a site plan (File # DA-05-139, attached as Appendix “C”). This application includes the development of the compound yard and a parking lot located immediately east of the compound yard. The parking area is to be used in conjunction with a building (Building “B”) currently under construction on the lands immediately to the north. The compound yard will be fenced, and where it abuts the existing legal non-conforming single detached dwellings to the west, privacy fencing and landscaping will be required to provide an appropriate buffer.
3. Staff did receive an email (attached as Appendix “D”) from the owner of 420 McNeilly Road, representing their interests and that of the owner of 422 McNeilly Road as a result of pre-circulating this application. The residents' concerns relate to traffic and noise, value of properties, fencing and lighting. Each issue will be addressed individually.

**Traffic and Noise**

The subject lands, as well as the adjacent single detached dwellings, (see Appendix “A”), are designated as “Industrial Business Park” in the Stoney Creek Official Plan and zoned Prestige Industrial “MT” Zone in Zoning By-law No. 3692-92. Typically, noise and traffic in an industrial area is greater than that of a traditional neighbourhood found in a residential area. However, the applicant has advised that no heavy construction equipment will be stored on site and, therefore, traffic and noise should not be an issue.

**Value of Properties**

Staff has no information to indicate that the establishment of an outside storage yard would detrimentally impact the property value of a legal non-conforming, single detached dwelling.

**Fencing and Lighting**

As previously stated, the applicant has submitted a site plan application. The compound yard is proposed to be fenced, and a privacy fence and landscape strip is proposed adjacent to the existing single detached dwellings. Staff will require a landscape plan to be submitted as a condition of site plan approval to ensure adequate plant material is provided to establish an appropriate visual buffer.

**ALTERNATIVES FOR CONSIDERATION:**

Should this application be denied, other industrial uses permitted as-of-right in the Prestige Industrial “MT” Zone could be established on the subject lands once the Holding 'H' symbol has been removed by way of amending the Zoning By-law.

**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.
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**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

This proposal is consistent with the principles and policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined throughout Area Municipal Official Plans and based on full municipal services, will be concentrated in the urban areas. As the nature of the application is to add an additional Industrial use, the proposal conforms with the Hamilton-Wentworth Official Plan.

**Stoney Creek Official Plan**

The subject lands are designated “Industrial Business Park” in the Stoney Creek Official Plan. This proposal conforms to the Official Plan.

**Stoney Creek Zoning By-law No. 3692-92**

The subject lands are zoned Prestige Industrial (Holding) “MT (H)” Zone. The applicant has applied to change the zoning to a site-specific “MT” Zone by adding a contractor’s compound yard as a permitted use and by permitting outside storage. The change in zoning would also remove the Holding ‘H’ symbol.

Outside storage is not permitted in the Prestige Industrial “MT” Zone. However, this storage area will be located behind an existing building, out of sight from the South Service Road and screened from McNeilly Road. Further, a building will be located within the compound yard so storage will also be indoors. Outside storage will not be permitted on the remainder of the applicant’s Holding located to the south of the lands subject to this application.

The change in zoning to include the removal of the ‘H’ symbol can also be supported since the development pattern of the lands is known, full municipal services are available and land assembly is not required to appropriately develop the subject lands. This request, therefore, complies with Section 3.8, Holding Zones, of the Zoning By-law.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Objection**

- Budgets, Taxation and Policy Services, Corporate Services Department
- Traffic Engineering and Operations Section, Public Works Department
- Forestry Section, Public Works Department
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- Open Space and Parks Planning Section, Public Works
- Capital Planning and Implementation Section, Public Works Department
- Parking Services, Planning and Economic Development Department
- Culture and Recreation Division, Public Health and Community Services Department
- Hamilton Conservation Authority

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to eighteen (18) property owners within 120 metres of the subject lands and a Public Notice sign was posted on the subject lands. Staff received one email letter, attached as Appendix “D”. The property owners' concerns are addressed under “Analysis/Rationale” Section of this report.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes □ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes □ No
A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

Access to this site is available form the QEW.

Economic Well-Being is enhanced. □ Yes ☑ No

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

:PAM
Attachments. (4)
Subject Property
Change from the Prestige Industrial (Holding) "MT(H)" Zone to the Prestige Industrial "MT-8" Zone
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located on a Portion of 404 McNeilly Road

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 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 Planning and Economic Development Committee at its meeting held on the ______ day of _______ , 2005, 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. 3 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Prestige Industrial (Holding) “MT(H)” Zone to the Prestige Industrial “MT-8” Zone, on the lands, the
extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 9.4.6, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “MT-8”, to include the following:

   “MT-8  404 McNeilly Road, Schedule “A”, Map No. 3

   In addition to the uses permitted in Subsection 9.4.2, Permitted Uses For Each Lot, of Section 9.4, Prestige Industrial “MT” Zone, on those lands zoned “MT-8” Zone, a contractor’s compound yard shall also be permitted.

   Notwithstanding the provisions of paragraph (j) of Section 9.4.3, Zone Regulations, of Section 9.4, Prestige Industrial “MT” Zone, outside storage shall be permitted.

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 Prestige Industrial "MT" Zone provisions, subject to the special requirement 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 , 2005.

MAYOR

CLERK

ZAR-05-100
This is Schedule "A" to By-Law No. 05—

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Clerk

Passed the ____________ day of ________________, 2005

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Mayor

Subject Property

Change from the Prestige Industrial (Holding) "MT(H)" Zone to the Prestige Industrial "MT-8" Zone

Schedule "A"

Map Forming Part of By-Law No. 05—
to Amend By-Law No. 3692-92

Planning and Economic Development Department

Hamilton

Scale: Not to Scale

File Name/Number: ZAR-05-100

Date: October 28, 2005

Planner/Technician: PM/MF

T&2 File Name: N:\T&2\Zoning\By-Law Amendments\By-Law_Schedule_A\092005\October05\ZAR-05-100_SchedA.cdr
October 20, 2005

Paul Moore
Senior planner
City of Hamilton
71 main Street West
Hamilton

Dear Sir,

Thank you for responding to my sister Elsie Andersons concerns regarding the zoning amendment application by Losani Homes.

This letter shall serve as written comments for both 420 as well as our neighbour at 422 McNeilly.

Our concerns our as follows. We have young children and we are worried about more traffic in and out of the neighbourhood. This leads to more pollution and of course more noise as well, depending when the machinery will move in and out of the property and which access they will use.

We are very concerned about the value of our properties as well. We have resided here for a long time and have enjoyed the country-type atmosphere we first purchased. In order for us to move on in the future we would need to retain a property that is saleable to the public unless Losani Homes is interested in purchasing. We would like this input.

We would also suggest that appropriate fencing and lighting has not been addressed so that we may sleep in comfort and not be disturbed by city type lighting.

We are wondering why the whole property known as 404 is not in this zoning change and yet only the gridded area. What are the plans for the rest of the 404 property?

420 McNeilly has a big concern about the trucks and machinery that may enter and exit in the future along the south side of this home that has children.
What are Losanis plans for this attached property??

As residents of the immediate area backing onto the subject property, we would hereby like to formally object to any downgrade to the existing zoning as applied for. This would only serve to degrade our quality of life, our property values and concern for our children due to extra air pollution, dust and noise caused by the equipment to be stored here as applied for. Safety issues may also be a concern e.g. flammable fuels.

Further any development under the regular zoning should contain a provision for the owner to provide at their expense, a privacy fence in an acceptable and presentable form.

It is our hope that even though this property development has already proceeded that the city will properly address these issues and give due consideration to the homeowners who have long occupied this area PRIOR to development of this sector.

We believe the original planning considered the homeowners and their families and there is no reason to downgrade same without benefits to the homeowners.

Yours truly

Jay and Mery Biss on behalf of 420 and neighbour at 422.