SUBJECT: Application for a Change in Zoning for Lands Located at 525 Parkdale Avenue North (Hamilton) (PED07287) (Ward 4)

RECOMMENDATION:

That Zoning Application ZAR-07-044, by Greg Pupi, owner, for a modification to the “J” (Light and Limited Heavy Industry, etc.) District, to add a “Recycling Transfer Station” to the list of permitted uses for lands located at 525 Parkdale Avenue North (Hamilton), as shown on Appendix “A” to Report PED07287, be denied for the following reasons:

(a) That the proposal conflicts with the intent of the “Light Industrial” category in the City of Hamilton Official Plan.

(b) That the proposed use is incompatible with existing and planned uses in the surrounding area.

(c) That the proposal does not represent good planning.

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

The purpose of this application is for a modification in zoning to permit a private “Recycling Transfer Station”.

The proposal cannot be supported as it conflicts with the intent of the “Light Industrial” designation in the City of Hamilton Official Plan, it is incompatible with existing and planned land uses in the surrounding area, and does not represent good planning.

BACKGROUND:

Proposal

The subject lands are located at 525 Parkdale Avenue North, in the City of Hamilton (see Appendix “A”). The applicant is requesting to modify the zoning on the subject lands to add a recycling transfer station to the list of permitted uses under the “J” (Light and Limited Heavy Industry, etc.) District.

The operation of a recycling transfer station is subject to a Ministry of the Environment (MOE) Certificate of Approval, pursuant to Part V of the Environmental Protection Act. This Certificate is a legally binding document which permits an individual, company or municipality to undertake an activity related to the disposal or management of waste. Furthermore, the Certificate of Approval is used to ensure the operation of facilities complies with environmental laws and focuses on site-specific characteristics relevant to each proposal. It contains enforceable requirements for each facility to ensure the protection of human health and the natural environment. This Certificate will not be issued unless the use is permitted under the municipality’s Official Plan and Zoning By-law. The applicant has concurrently applied for a Certificate of Approval from the Ministry of the Environment, and City staff will provide comments should approval be given to the Zoning application to permit the use.

As part of the Certificate of Approval process, information pertaining to the wastes to be accepted and the “process” that will take place at this facility was provided. The proposed waste streams accepted at the recycling transfer station are characterized as organic food waste, and blue box wastes, as regulated under Ontario Regulation 101/94 (see Appendix “B”), produced in industrial, commercial, and institutional settings from the Hamilton, Niagara, Greater Toronto Area, London, Kitchener, Norfolk and Barrie areas. The applicant has indicated that the majority of this operation deals with the transferring of food waste.

The process includes waste materials in 64 gallon or 95 gallon totes (similar to a Green Bin used for municipal pick-up) being brought on-site via a straight body truck and unloaded through the loading doors. When the materials arrive on site, tow motors transfer the smaller totes by tipping them into larger containers (sealed roll off bins). The sealed roll off bin is then shipped off-site to a recycling facility. The empty totes are
to be washed on-site and all residues left behind also get recycled. This facility is proposing to handle 50 tonnes per day and does not require long-term storage of waste materials on-site, as this facility would operate 24 hours a day, 365 days a year. The maximum storage time for waste material, up to a limit of 40 tonnes, would be no more than a day and a half unless there are unforeseen mechanical failures. All transferring of materials is to take place within the building and no outside storage of waste materials is proposed. The City of Hamilton Zoning By-law No. 6593 does not permit outdoor operations or storage in the “J” (Light and Limited Heavy Industry, etc.) District.

Site Plan Control Application DA-07-054

On June 21, 2007, the owner received conditional approval of Site Plan Control Application DA-07-054. The purpose of the application was to permit a 369.74 square metre addition to the existing 1,858 square metre building. The existing use of the building is for commercial storage, and Site Plan approval was granted based on the building being utilized for commercial storage. The proposed use of a recycling transfer station was not indicated at the time of Site Plan approval. After conditional approval, the current applicant, Davidson Environmental, submitted a Zoning Application to add a recycling transfer station as a permitted use. The proposal to add a use is not anticipated to affect the conditional approval of the Site Plan Control Application as the proposed use is to be indoors.

Through the review of the Site Plan application, it was determined that two on-site loading spaces were required, and will have to be provided on the final plan. The review also identified that any truck movements must be done on-site and trucks must not reverse onto the site from the adjacent roadways. The City’s Traffic Engineering and Operations Section has recommended that the five existing access points, three off Burland Crescent and two off Parkdale Avenue North (see Appendix “C”), be reduced to one off Parkdale Avenue North and one off Burland Crescent. The northerly access off Parkdale Avenue North and the two easterly accesses off Burland Crescent have been identified for closure, however, the sketch provided with the Certificate of Approval package (see Appendix “D”) shows vehicles entering/exiting the site from these access points. The closure of all redundant accesses will be dealt with through an existing condition of Site Plan approval. The Site Plan process will also deal with the mitigative measures (e.g. oil/grit separators) that are necessary to ensure there are no issues with wastewater discharged from the facility. The final approval of the Site Plan Control Application is still pending clearance of all necessary conditions.

Details of Submitted Application

Location: 525 Parkdale Avenue North (see Appendix “A”)

Owner: Greg Pupi

Applicant: James Davidson, Davidson Environmental
Lot Size: 3,742 square metres
Frontage: 36.576 metres
Depth: 82.296 metres

Servicing: Full Municipal Services

EXISTING LANDS USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject lands</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
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<tr>
<td></td>
<td>Commercial Storage</td>
<td>“J” (Light and Limited Heavy Industry, etc.) District</td>
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<tr>
<th>Surrounded Lands</th>
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<tr>
<td>North</td>
<td>Industrial</td>
<td>“J” (Light and Limited Heavy Industry, etc.) District</td>
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<td>“J/S-883” (Light and Limited Heavy Industry, etc.) District, modified</td>
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<tr>
<td>South</td>
<td>Industrial</td>
<td>“J” (Light and Limited Heavy Industry, etc.) District</td>
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<tr>
<td>East</td>
<td>Industrial and Commercial (Food Processing and accessory retail store)</td>
<td>“J” (Light and Limited Heavy Industry, etc.) District</td>
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<tr>
<td>West</td>
<td>Industrial</td>
<td>“J” (Light and Limited Heavy Industry, etc.) District</td>
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ANALYSIS/RATIONALE:

1. Staff is aware of the importance of promoting recycling and reuse objectives as part of achieving the goal to divert waste from landfills, however, it is recommended that the application be denied for the following reasons:

   (i) That the proposal conflicts with the intent of the “Light Industrial” designation of the City of Hamilton Official Plan.

   (ii) The proposed use is incompatible with existing and planned uses in the surrounding area.

   (iii) The proposal does not represent good planning.
2. The applicant is proposing to locate a private recycling transfer facility in the “Light Industrial” designation and “J” (Light and Limited Heavy Industry, etc.) District. The “Light Industrial” category is characterized by a mix of light industrial and commercial uses, and is intended as a transitional district between the Heavy Industrial areas and the Commercial and Residential areas of the City. The area surrounding Parkdale Avenue North is comprised of a mix of commercial and industrial uses, including food processing industries with retail stores, motor vehicle repair shops, motor vehicle dealerships, as well as established residential neighbourhoods within the vicinity of the subject lands. A transfer facility that deals with food waste has a higher potential of adverse effects on surrounding land uses in terms of odours, and nuisances including pests and vermin. There are two established food processing industries, as well as residential uses in close proximity to the subject lands. A waste transfer facility is not compatible with these uses and conflicts with the intent of the “Light Industrial” designation.

Also, staff has reviewed a list of the Certificate of Approval’s that the City of Hamilton has commented on from 1997 to 2007. Any waste disposal facility, including transfer stations, that accepts food waste or incidental food waste has been permitted as-of-right in the “K” (Heavy Industry, etc.) District or the “KK” (Restricted Heavy Industrial) District.

3. As part of the Official Plan and creation of the new Urban Official Plan for the amalgamated City Of Hamilton, staff will be undertaking a “Planning Review of Waste Disposal Sites”. The purpose of the study is to identify alternatives, establish policy direction and appropriate regulations and an implementation plan. The issues regarding this review are largely concerned with the principle of the compatibility between waste disposal sites and sensitive lands uses.

4. The applicant currently operates a similar facility in the City of St. Catharines. Staff conducted a site visit of this facility to get a better understanding of how this type of transfer facility operates. Through the site visit, staff encountered odours and pests (e.g. birds, flies, bees) at this facility. It was also discussed that the current facility has had odour complaints in the past and, on occasion, has had to deal with vermin. The current operation deals almost entirely with organic food wastes and paper waste, (i.e. in the form of paper napkins from restaurants). It is understood through discussions with the shop manager, that the facility currently handles approximately 15 tonnes of waste daily. The facility in Hamilton will be significantly larger, proposing to handle 50 tonnes of waste daily. The current operation utilizes two straight body trucks to bring the full totes on-site and to ship the clean totes back out, as well as a dump truck to take the organic food waste to a recycle facility. The applicant has identified that a number of additional trucks would be required due to the increased volumes of waste that would be handled at 525 Parkdale Avenue North.
5. This application was pre-circulated to 22 property owners within 120 metres of the subject lands. Two written responses were received (see Appendix “E”) in opposition to the proposal, with concerns related to the negative impacts that the recycling transfer facility could have on their business. Both letters of objection came from established food manufacturing businesses in the area whose operations also include retail stores. The two businesses are located on Morley Street, directly across from the subject lands. The concerns from both businesses were related to potential negative impacts, such as odours, rodents and airborne pests, which the proposal would have on their business and food safety standards. Through the site visit, it is evident that these are relevant concerns and there is a potential for adverse effects on uses in the surrounding area.

6. There are existing public water mains, sanitary and storm sewers on both Parkdale Avenue North and Burland Crescent to service the subject lands. The Development Engineering Section has identified that the owner will be required to install an oil/grit separator on the sanitary service and on site storm water quality control. This servicing issue will be dealt with through the submission of a Site Servicing Plan, a condition of final approval of Site Plan Control Application (DA-07-054).

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the range of uses permitted in the “J” (Light and Limited Heavy Industry, etc.) District, including commercial storage as proposed under the approved Site Plan application (DA-07-054).

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The 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 has been
reviewed with respect to the Provincial Policy Statement. Staff recognizes that the application is consistent with Policy 1.1.3.1, that focuses growth in settlement areas.

Also, Policy 1.6.8.1 states that waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives and that are located and designed in accordance with provincial legislation and standards. Waste Management systems shall be located and designed in accordance with provincial legislation and standards. As discussed in Comment 2 under the Analysis/Rationale Section of the report, the proposal is not appropriate given the proposed location and, as a result, is not consistent with Policy 1.6.8.1 of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. The proposal conforms to Policy C-3.1, which states that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, should be concentrated in the Urban area.

**City of Hamilton Official Plan**

The subject land is designated “Industrial” on Schedule ‘A’ – Land Use Concept and “Special Policy Area 11” on Schedule ‘B’ – Special Policy Areas. Special Policy Area 11 permits light industrial uses subject to the applicable light industrial policies. The following policies, among others, are applicable to the proposed change in use:

“A.2.3.1 The primary uses permitted in the areas designated on Schedule ‘A’ as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing.

**Light Industrial**

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule “B” and Schedule “B-3” as Special Policy Area 11 and 11a. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial-Business Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
General Provisions

A.2.3.23 New INDUSTRIAL USES may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours, and other particulates, water quality control and waste control, including the quality of discharge and run-off.”

As discussed in the Analysis/Rationale Section of the report, the intent of the “Light Industrial” category is to provide a buffer or transitional district between heavy industrial uses and more sensitive commercial and residential uses. A recycling transfer facility has the potential to generate negative spill-over impacts on surrounding land uses in terms of odours, and nuisances, including pests and vermin. This type of use is not appropriate for the subject lands, and it conflicts with the intent of the “Light Industrial” category in the City of Hamilton Official Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Operations and Maintenance Division, Public Works Department.
- Water and Wastewater Treatment, Public Works Department.
- Strategic and Environmental Planning, Public Works Department.
- Waste Management Division, Public Works Department.
- Hamilton Emergency Services – Fire.
- Horizon Utilities.
- Hamilton Conservation Authority.

The Ministry of the Environment has indicated that the proposed transfer facility can only be established and operated following issuance of a Certificate of Approval pursuant to Part V of the Environmental Protection Act. The approval will address the specifics of the operation (i.e. location, scale, accepted waste types) and any operating parameters and/or requirements that are imposed in order to minimize the environmental impact of the operation (i.e. hours of operation, contingency measures, specialized equipment, site modifications). This Certificate will not be issued unless it is a permitted use under the municipality’s Official Plan and Zoning By-law. The applicant concurrently applied for a Certificate of Approval from the Ministry of the Environment, and City staff will provide comments should approval be given to the Zoning application to permit the use.

The Water and Wastewater Division, Public Works Department, has indicated that wastewater discharge from this facility must comply with Sewer Use By-law 04-150. Wastewater discharge is regulated under the Certificate of Approval and an oil/grit separator will be required to be installed as a condition of approval of Site Plan
APPLICATION FOR A CHANGE IN ZONING FOR LANDS LOCATED AT 525
Parkdale Avenue North (Hamilton) (PED07287) (Ward 4)
- Page 9 of 9

Application DA-07-054. They also note that spill prevention and containment measures, as well as contingency plans for spills on site, will be dealt with through the Certificate of Approval.

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to twenty-two property owners within 120 metres of the subject lands. A Public Notice sign was also posted on the property on July 27, 2007, and Notice of Public Meeting has been given in accordance with the requirements of the Planning Act.

To date, two letters of objection have been received from neighbouring industries (see Appendix “E”). The issues raised in these letters are discussed under the Analysis/Rationale Section of this report.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☐ Yes ☑ No
The proposed use of a recycling transfer station is not compatible with the surrounding area.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Waste is recycled and reduced.

Economic Well-Being is enhanced. ☐ Yes ☑ No
The proposed use of a recycling transfer station has the potential of adversely impacting the surrounding uses.

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. (5)
Appendix “A” to Report PED07287
(Page 1 of 1)

Location Map

File Name/Number: ZAR-07-044
Date: July 3, 2007
Appendix "A" Scale: N.T.S.
Planner/Technician: SH/IF

Subject Property

525 Parkdale Avenue North
ONTARIO REGULATION 101/94

MADE UNDER THE

ENVIRONMENTAL PROTECTION ACT

Schedule 1
BLUE BOX WASTE

PART I
 BASIC BLUE BOX WASTE

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Glass bottles and jars for food or beverages.
3. Newsprint.
4. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
5. Steel food or beverage cans (including cans made primarily of steel).

PART II
 SUPPLEMENTARY BLUE BOX WASTE

1. Aluminum foil (including items made from aluminum foil).
2. Boxboard and paperboard.
3. Cardboard (corrugated).
4. Expanded polystyrene food or beverage containers and packing materials.
5. Fine paper.
7. Paper cups and plates.
8. Plastic film being,
   i. linear low density or low density polyethylene grocery bags or bags used for food or beverages, and
   ii. linear low density or low density polyethylene used for wrapping products.
9. Rigid plastic containers being,
   i. high density polyethylene bottles used for food, beverages, toiletries or household cleaners (including bottles made primarily of high density polyethylene), and
   ii. polystyrene containers used for food or beverages (including containers made primarily of polystyrene).
10. Telephone directories.
11. Textiles (not including fibreglass or carpet).
12. Polycoat paperboard containers, being containers made primarily of paperboard and coated with low density polyethylene or aluminum, and used for food or beverages.
EXISTING ACCESS
TO BE REMOVED
July 19, 2007

Jennifer d’Andrade, City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton, ON
L8P 4Y5
Fax: 905-540-6142

Re: File No. ZAR-07-044

Dear Ms. d’Andrade

We are writing in response to the zoning by-law amendment application made by Greg Pupil on lands located at 525 Parkdale Avenue North, Hamilton. Our business operates in the locations of 5 Morley Street to 29 Morley Street inclusive. We operate as a meat processor with a retail deli store. We are strongly opposed to having a recycling transfer station located so close to our properties. Over the past two years we have made a significant investment in our facilities. We are in the process of implementing a HACCP quality control program and are working at achieving Federal Meat Inspection status. We currently employ approximately 60 people from the Hamilton area. We anticipate the number of employees will increase in the next few years.

We feel that a recycling transfer station would have a very detrimental effect on our business. Sanitation and pest control are an essential element of ensuring the quality and safety of our products. The proposed facility would result in unpleasant odours, pests and airbourne bacteria. This would have a negative impact on our customers and employees. The Rennie Street transfer station contributed to the problems we have faced over the years in maintaining our pest control program. When the Rennie Street transfer station was torn down last year, we experienced a surge in rodent problems. This took some time to resolve. Having a transfer station beside our properties would make those types of problems ongoing and put our food products at risk. We urge you to reject this proposed amendment.

Sincerely

[Signature]

Walter Mueller, President
July 19, 2007

Jennifer d'Andrade, City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5

SENT BY FAX
(905)540-6142

RE: FILE NO.: ZAR-07-044
RE: APPLICATION FOR A ZONING BY-LAW AMENDMENT BY GREG PUPI ON
LANDS LOCATED AT 525 PARKDALE AVENUE NORTH, HAMILTON

Dear Madam:

We have received a notice dated July 16, 2007, concerning the above subject.

We object to the proposal to add a "Recycling Transfer Station" to the list of permitted uses in the Light and Limited Heavy Industrial "I" District.

Salerno Dairy is a cheese processor located on Morley Street, across Parkdale Avenue from the subject land. We have been at this location for many years, and employ over 150 people at this location. Our facility is HACCP recognized. HACCP is a major international food safety standard towards which many food processors are working. It is a major undertaking, and requires hard work, major monetary investment, and ongoing vigilance.

We view the placement of a Recycling Transfer Station across the street to be a hazard to our operation, and a major impediment toward maintaining our HACCP recognition.

It is expected that the proposed facility would increase the incidence of airborne bacteria and unpleasant odours, airborne pests, and even worse, rodents. All of these would impact our manufacturing facility, warehousing, shipping and retail store. It is also expected that our business neighbour across the street, Springers Meats, would be negatively impacted in the same way.

We urge both the City of Hamilton, and the Ontario Municipal Board, to reject the proposed By-law Amendment, as we feel that it could jeopardize both our business, and our employees.

Feel free to contact us if you require clarification or more detail on any of the above points.

Salerno Dairy Products Limited
Yours very truly

[Signature]

Angelo Fisanza Sr.
Executive Vice-President

c.c.: Eugene Mazurkiewicz, Vice-President, Finance