SUBJECT: Application for a Modification in Zoning for Lands Located at 837 Barton Street (Stoney Creek) (PED07171) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-07-018, by Gordon Mason, owner, for a modification to the Small Scale Industrial “MS” Zone to add a “Contractor’s Depot” to the list of permitted uses for lands located at 837 Barton Street (Stoney Creek), as shown on Appendix “A” to Report PED07171, on the following basis:

(a) That the subject lands be rezoned from Small Scale Industrial “MS” Zone to Small Scale Industrial “MS-10” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED07171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.

(d) That the proposed modification in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.

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

The purpose of the application is for a modification in zoning to add a “Contractor’s Depot” to the list of permitted uses. The proposal has merit and can be supported as it conforms to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan. The proposal is compatible with existing and proposed land uses in the surrounding area. In addition, the application for rezoning is required to allow for the construction of a proposed industrial/commercial building on the subject lands that are being developed under Site Plan Control Application DA-07-003 (see Appendix “C”).

BACKGROUND:

Proposal

The purpose of the application is for a change in zoning from the Small Scale Industrial “MS” Zone to the Small Scale Industrial “MS-10” Zone to add a “Contractor’s Depot” to the list of permitted uses for lands located at 837 Barton Street (see Appendix “A”). The addition of this use will allow for the construction of a proposed industrial/commercial building to be used in conjunction with the adjacent property to the north, known municipally as 839 Barton Street, which is under common ownership and currently being used as a contractor’s depot within the General Industrial “MG” Zone.

Prior to submission of a formal site plan control application, the applicant initiated a minor variance application to permit a reduced lot frontage and reduced access driveway width for the proposed development on the subject property. While the variances were supported by staff, and final approval of Minor Variance Application SC/A-06:346 was received, it was later determined through the review of Site Plan Application DA-07-003 that the proposed contractor’s depot is not a permitted use under the Small Scale Industrial “MS” Zone on the subject property.

Site Plan Control Application DA-07-003

The subject property is to be developed under Site Plan Control Application DA-07-003 (see Appendix “C”). However, prior to any approvals, a successful rezoning application is required to permit the lands to be used as a contractor’s depot in conjunction with the adjacent rear lands under common ownership at 839 Barton Street.

Location: 837 Barton Street, Stoney Creek (see Appendix “A”)

Owner/Applicant: Gordon Mason (Owner) / Mario Correa (Agent)

Property Description (total rezoned lands):

Frontage: Approximately 4.752 metres on Barton Street
Depth: Approximately 150.421 metres
Area: Approximately 4,469.60 square metres

Servicing: Full municipal services on Barton Street
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>Equipment Rental and Servicing, Service and Repair Shop</td>
<td>Small Scale Industrial “MS” Zone</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td></td>
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<tr>
<td><strong>North</strong></td>
<td>Contractor’s Depot</td>
<td>General Industrial “MG” Zone</td>
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<tr>
<td><strong>South</strong></td>
<td>Residential - Single detached dwelling</td>
<td>Small Scale Industrial “MS-8” Zone</td>
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<tr>
<td><strong>East</strong></td>
<td>Industrial/Commercial Warehouse/Wholesale</td>
<td>Small Scale Industrial “MS” Zone</td>
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<tr>
<td><strong>West</strong></td>
<td>Industrial</td>
<td>Small Scale Industrial “MS” Zone</td>
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**ANALYSIS/RATIONALE:**

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Employment Areas policies of the Provincial Policy Statement and conforms to the “Business Parks” policies of the Hamilton-Wentworth Official Plan;
   
   (ii) It conforms to the “Industrial Business Park” designation of the City of Stoney Creek Official Plan; and,
   
   (iii) It will allow for the subject lands to be developed in conjunction with adjacent lands to the north, also owned by the applicant, and currently used as a contractor’s depot.

2. The Hamilton-Wentworth Official Plan designates the subject lands as “Business Parks”. Policy C-3.1.3.1 a) outlines that Business Parks will accommodate a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses. The proposal conforms to the Hamilton-Wentworth Official Plan.

3. The Stoney Creek Official Plan designates the subject property as “Industrial Business Park”. Policy 4.2.1 a) of Subsection A.4 – INDUSTRIAL BUSINESS PARK permits the proposed contractor’s depot use and is, therefore, consistent with the “Industrial Business Park” designation.
4. The adjacent lands to the north are also owned by the applicant and are currently being used as a contractor’s depot. The majority of activity associated with this use, such as the storage and distribution of soil and landscape/building materials, etc., will continue to be carried out on these lands. The proposed building on the subject lands will be comprised of offices, a service and repair shop, and will also be used for the storage of large trucks and excavating equipment.

5. Final approval of Minor Variance Application SC/A-06:346 was received to permit a reduced lot frontage and a reduced access driveway width for the proposed development of the lands under Site Plan Control Application DA-07-003 (as shown on Appendix “C”).

6. In response to the Public Notice sign being posted on the subject lands, no letters of concern were received from adjacent property owners regarding the proposed change in zoning.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, use of the subject property as a contractor’s depot will not be permitted and the proposed development of the subject lands, under Site Plan Control Application DA-07-003, will be limited to only those uses permitted in the Small Scale Industrial “MS” Zone.

**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.

**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 the Provincial Policy Statement, since the proposed Small Scale Industrial MS-10” Zone will permit the contractor’s depot use on the subject property. In turn, development can occur in conjunction with the adjacent property to the north, providing an appropriate mix and range of commercial and industrial employment to meet long term needs, implementing Policy 1.3.1 of the Provincial Policy Statement.
Hamilton-Wentworth Official Plan

The subject lands are designated “Business Parks” in the Hamilton-Wentworth Official Plan. Policy C-3.1.3.1 a) outlines that Business Parks will accommodate a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses. Therefore, as the nature of the application is to amend the existing zoning designation to permit a contractor’s depot, which will facilitate approval of Site Plan Control Application DA-07-003, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject property is designated “Industrial Business Park” on Schedule ‘A’ – General Land Use Plan in the Stoney Creek Official Plan. Policy 4.2.1 a) of Subsection A.4 – INDUSTRIAL BUSINESS PARK permits the proposed contractor’s depot use and, therefore, conforms to the Stoney Creek Official Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Traffic Engineering & Operations Section, Operations and Maintenance Division (Public Works Department).
- Forestry & Horticulture Section, Operations and Maintenance Division (Public Works Department).
- Taxation Division (Corporate Services Department).
- Budgets & Finance Division (Corporate Services Department).
- Strategic & Environmental Planning Section (Public Works Department).

Hamilton Conservation Authority

The Hamilton Conservation Authority (HCA) previously reviewed the subject property in conjunction with a recent site plan control application, file DA-07-003, and acknowledges that their concerns will be addressed through the Site Plan process and, therefore, has no objection to the approval of the rezoning application.

PUBLIC CONSULTATION

The Public Participation Policy that was approved by Council on May 29, 2003, states that preliminary circulation shall not be required if the application is part of a Planning Study or other application, such as a consent application, which has been approved within one year of other public involvement and participation opportunities. In this regard, preliminary circulation was not required since the lands were also subject to a Minor Variance Application in January 2007, which was a public process. At the Committee of
Adjustment meeting, one property owner attended and one written submission was received. Concerns about drainage of the proposed development on the subject lands and the location of truck parking were expressed. Staff confirmed that both the drainage and parking concerns would be addressed through the site plan process. It should also be noted, that pursuant to the Planning Act for Minor Variance Application SC/A-06-346, the appeal period has expired and the Committee of Adjustment’s decision is final and binding. However, in accordance with the requirements of the new Planning Act, fourteen notices of complete application and notices of Public Meeting were mailed to all property owners within 120 metres of the subject property.

Further, a Public Notice sign was posted on the property for rezoning in May 2007. To date, no letters have been received. Finally, 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 application creates consistent and compatible land uses and zoning on Barton Street.

**Environmental Well-Being is enhanced.** ☑ Yes ☐ No
Applying the principles of the best use of available land.

**Economic Well-Being is enhanced.** ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

**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

:JG
Attachs. (3)
Appendix "A" to Report PED07171

Location Map

File Name/Number: ZAR-07-018
Date: April 25, 2007
Appendix "A"
Scale: N.T.S.
Planner/Technician: JG/LC

Subject Property

- 837 Barton Street
  Proposed Change in Zoning from Small Scale Industrial "MS" Zone to Small Scale Industrial "MS-10" Zone.

- Other Lands of Owner

Ward 11 Key Map N.T.S.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 837 Barton Street

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "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 of the former area municipalities 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 07- _______ of Report 07- _______ of the Economic Development & Planning Committee at its meeting held on the day of _______, 2007, 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. That Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by:

   (a) changing the zoning from the Small Scale Industrial “MS” Zone to the Small Scale Industrial “MS-10” Zone;

   the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Subsection 9.2.7, “Special Exemptions”, of Section 9.2 Small Scale Industrial “MS” Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new special exemption, “MS-10”, as follows:

   “MS-10” 837 Barton Street, Schedule “A”, Map No. 2

In addition to the uses permitted in Section 9.2.2 of the Small Scale Industrial “MS” Zone, those lands zoned “MS-10” by this by-law, may also be used for a contractor’s depot.

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 Small Scale Industrial “MS” Zone provisions, subject to the special provision 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 ____________, 2007.

FRED EISENBERGER
MAYOR

KEVIN C. CHRISTENSON
CLERK

ZAC-07-018
Schedule "A"

Map Forming Part of By-Law No. 07-____

to Amend By-law No. 3692-92

Subject Property

- 837 Barton Street

Proposed Change in Zoning from Small Scale Industrial "MS" Zone to Small Scale Industrial "MS-10" Zone.