SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 80 Bancroft Street (Hamilton) (PED05166) (Ward 5)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-05-71, by 836685 Ontario Inc, (George Farnham) Owner, for a modification to the “KK” (Restricted Heavy Industrial) District, to allow offices as an additional permitted use, for the lands located at 80 Bancroft Street (Hamilton), as shown on Appendix “A” to Report PED05166, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED05166, 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 Section 19B of Zoning By-law No. 6593 as Schedule S-1536, and that the subject lands on Zoning District Map E-103 be noted as S-1536.

(c) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

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

The purpose of the application is to modify the “KK” (Restricted Heavy Industrial) District to allow offices as an additional permitted use on the subject property. It is noted that an office use currently operates in the existing building.

The proposed modification in zoning has merit and can be supported as it is appropriate and complementary to the surrounding area and conforms to the “Industrial” policies of the City of Hamilton Official Plan, the “Urban Policies” of the Hamilton-Wentworth Official Plan, and is consistent with the Provincial Policy Statement.

BACKGROUND:

Proposal

The owners of the subject property have applied for a modification in zoning to allow offices as an additional permitted use. The existing building would be used by two companies, Robbinex Inc. and Care Plus. Robbinex Inc. is a business in the mergers and acquisitions field with 20 employees and expanding to 40. Care Plus is a major supplier of home support services with Community Care Access contracts with 21 on-site employees with many more in the field. Staff notes that Care Plus currently operates from the existing building. Approximately 35 percent of the building would be used for storage and the balance for office space.

Location: The subject property is located on the south side of Bancroft Street, west of Kenora Avenue, municipally known as 80 Bancroft Street (See Appendix “A”).

Owner and Applicant: 836685 Ontario Inc. (George Farnham) and 1376533 Ontario Inc. (Robbinex Inc.)

Property Description

- Total Lot Area: 3,670.3m²
- Total Lot Frontage: 57.9 metres (190 feet)
- Lot Depth: 63.9 metres (209 feet)
- Servicing: full municipal services

Existing Land Use and Zoning

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North:</td>
<td>Railway Corridor</td>
<td>“KK” (Restricted Heavy Industrial) District</td>
</tr>
<tr>
<td>West:</td>
<td>Warehousing</td>
<td>“KK” (Restricted Heavy Industrial) District</td>
</tr>
<tr>
<td>South:</td>
<td>Industrial</td>
<td>“KK” (Restricted Heavy Industrial) District</td>
</tr>
<tr>
<td>East:</td>
<td>Industrial</td>
<td>“KK” (Restricted Heavy Industrial) District</td>
</tr>
<tr>
<td>Land:</td>
<td>Office and storage</td>
<td>“KK” (Restricted Heavy Industrial) District</td>
</tr>
</tbody>
</table>
The proposed zoning amendment has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement.
- It conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
- The proposal is compatible with the existing and planned development in the immediate area.

The nature of the City’s industrial areas is continually evolving. Industrial uses are now comprised of a variety of uses, ranging in scale and format. The lands surrounding the subject property have evolved in a manner similar to a more modern industrial park-like setting where offices are mixed with industrial uses and have proven compatible with the existing and planned development.

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 “KK” (Restricted Heavy Industrial) District provisions contained in Zoning By-law No. 6593. The existing non-conforming use would be required to relocate.

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

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of the PPS.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Plans and based on full municipal services, will be concentrated in the Urban Areas.

Therefore, as the nature of the application is to modify the existing Zoning By-law to allow for an additional use (office) to be permitted within the zoning designation, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Industrial” on Schedule ‘A’ – Land Use Concept Plan in the City of Hamilton Official Plan. The subject lands are also identified as Special Policy Area 11 on Schedule ‘B’ – Special Policy Areas in the Official Plan. This proposal has been reviewed against Subsection A.2 Land Use Concept, Subsection A.2.3 Industrial Uses, and A.2.9.3 Other Policy Areas of the City of Hamilton Official Plan. This proposal conforms to the policies of the Official Plan.

Section A.2.9.3 allows lands designated Special Policy Area 11 to be used for Light Industrial Uses. Section A.2.3.13 states the Light Industrial category applies to uses that have a minimum impact on surrounding land uses. Section A.2.3 states the Industrial areas permit uses which, in the opinion of Council, complement and do not interfere with, or detract from the industrial area.

The proposed office use has minimal impact on surrounding land uses, complements and does not interfere with or detract from the area and, therefore, conforms to the Official Plan.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Canadian National Railway
- Public Works Department
- Corporate Service Department
- Hamilton Police Services
- Hamilton Emergency Services
- Hamilton Hydro

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application and the Notice of Public Meeting were pre-circulated to 12 property owners within 120 metres of the subject lands, and a Public Notice sign has been posted on the property. Staff did not receive any written comments.
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
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes □ No
The economic base is diversified.

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

:MJ
Attachs. (2)
Subject Property
80 Bancroft Street
Change in Zoning from "KK" (Restricted Heavy Industrial) District to "KK/S-1536" (Restricted Heavy Industrial) District, Modified.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting Lands Located 80 Bancroft Street

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 Planning and Economic Development Committee at its meeting held on the day of ______, 2005, 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-103 of the Zoning District maps, appended to and forming part of By-law No. 6593, is amended by changing from “KK” (Restricted Heavy Industrial) District to “KK/S-1536” (Restricted Heavy Industrial) District, Modified, the lands the extent and boundaries of which are shown on a plan annexed as Schedule “A”.

2. That the “KK” (Restricted Heavy Industrial) District provisions as contained in Section 17A of Zoning By-law No. 6593, applicable to the Subject Lands be modified to include the following special provision:

   (a) Notwithstanding Subsection 17A(1) of Zoning By-law No. 6593, offices shall also be a permitted use.

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 “KK” (Restricted Heavy Industrial) District provisions, subject to the special requirement referred to in Section 2 of this By-law.

4. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1536.

5. 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-05-71
Appendix "B" to Report PED05166 (Page 3 of 3)

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

Passed the __________ day of __________, 2005

Clerk

Mayor

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Schedule "A"

Map Forming Part of
By-Law No. 05-____
to Amend By-Law No. 6593

Planning and Economic Development Department

Hamilton

Subject Property

80 Bancroft Street
Change in Zoning from "KK" (Restricted Heavy Industrial) District to "KK/S-1536" (Restricted Heavy Industrial) District, Modified.

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Scale: Not to Scale
Date: July 14, 2005
File Name/Number: ZAR-05-71
Planner/Technician: MJ/MC

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