

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

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| Report to: Chair and Members Planning & Economic Development Committee | Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department |
| Date: March 17, 2006 File: ZAH-06-06 | Prepared by: Edward John (905) 546-2424, Ext. 5803 |

SUBJECT: Removal of 'H' Holding Symbol from Lands Located at 187 Stone Church Road (Ancaster) (PED06095) (Ward 12)

RECOMMENDATION:

That approval be given to **Zoning Application ZAH-06-06, The Governing Council of The Salvation Army, owner**, for removal of the 'H' Holding symbol from the Institutional – Holding "I-469" – 'H' Zone, to permit the development of a new place of worship, on lands located at 187 Stone Church Road (Ancaster), as shown on Appendix "A" to Report PED06095, on the following basis:

- (a) That the zoning of the subject lands be changed from the Institutional – Holding "I-469" – 'H' Zone to the Institutional "I-469" Zone.
- (b) That the draft By-law, attached as Appendix "B" to Report PED06095, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

SUBJECT: Removal of 'H' Holding Symbol from Lands Located at 187 Stone Church Road (Ancaster) (PED06095) (Ward 12) - Page 2 of 5

EXECUTIVE SUMMARY:

The purpose of the application is to remove the 'H' Holding symbol from the lands known municipally as 187 Stone Church Road (Ancaster), as shown on the attached Appendix "A".

The proposal is consistent with the principles and policies of the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Ancaster Official Plan. The conditions for removal of the 'H' Holding Symbol, which require an approved site plan application and submission of a Record of Site Condition, have been satisfied.

Based on the above, the Zoning Amendment application for the removal of the 'H' Holding symbol can be supported.

BACKGROUND:

Proposal

The applicant has applied to remove the 'H' Holding symbol from the subject lands (see Appendix "A") in order to permit the development of a new church and 117 associated parking spaces, on lands located at 187 Stone Church Road.

Zoning Amendment Application ZAC-01-14

An application was submitted in 2001 for a change in zoning from the Agricultural "A" Zone to the Institutional – Holding "I-469" – 'H' Zone for the subject lands, known then as 3 Stone Church Road West. The application was approved and the lands were placed in a Holding Zone to prohibit the development of the lands until such time that the owner applied for, and received, approval of a Site Plan Control application and submitted a signed Record of Site Condition (RSC), to the satisfaction of the City of Hamilton.

The modification, which was included in the zoning, required a permanently maintained planting strip of a minimum width of 5.0 metres to be provided and maintained along the street line, except for aisles or driveways required for access to parking areas.

Site Plan Application DA-05-129

An application was submitted in 2005 for Site Plan approval to permit the development of a church upon the subject lands. The application was approved with conditions in January 2006 (see Appendix "C")

SUBJECT: Removal of ‘H’ Holding Symbol from Lands Located at 187 Stone Church Road (Ancaster) (PED06095) (Ward 12) - Page 3 of 5

Details of Submitted Application

Owner: The Governing Council of The Salvation Army

Property Size: Frontage: 190 metres
Depth: 93 metres (max.)
Area: 1.06 hectares (Approx.)

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|-----------------------------|--------------------------|---|
| <u>Subject Lands</u> | Vacant | Institutional – Holding “I-469” – ‘H’ Zone |
| <u>Surrounding Land Use</u> | | |
| Lands to the North | Vacant | Public “P-242” Zone |
| Lands to the East | Townhousing | Residential Multiple – Holding “RM4-470” – ‘H’ Zone |
| Lands to the West | Vacant | Public Open Space “O2-425” Zone |
| Lands to the South | Agricultural | Agricultural “A” Zone |

ANALYSIS/RATIONALE:

In order to remove the ‘H’ Holding symbol, staff must be satisfied that the provisions for lifting the ‘H’ symbol in the Zoning By-law have been addressed. The ‘H’ Holding provision requires that prior to its removal, the owner apply for, and receive, approval of a Site Plan Control Application for the development of the subject lands, and submit a signed Record of Site Condition (RSC), to the satisfaction of the City of Hamilton. This ‘H’ Holding provision was placed upon the subject lands through a By-law amendment recommended in zoning application ZAC-01-14.

The subject lands are adjacent to an Environmentally Significant Area/Provincially Significant Wetland (ESA No. 46 – Tiffany Creek Headwaters). The impact of the development upon the ESA was investigated and assessed under Site Plan Application DA-05-129. Staff, in assessing a submitted Environmental Impact Study and a Phase 1 – Environmental Site Assessment, and from their own knowledge of the area through the approval of recent planning studies, were able to conclude that the proposed development not only ensured the ESA would be protected, but also that the results of the Phase 1 Environmental Site Assessment were considered acceptable to address the requirement for an RSC.

SUBJECT: Removal of ‘H’ Holding Symbol from Lands Located at 187 Stone Church Road (Ancaster) (PED06095) (Ward 12) - Page 4 of 5

In addition, ESAIEG reviewed the EIS and concurred “that due to the previous activities and limited vegetation resources on site, it is reasonable to expect that there will be no significant impacts to the adjacent ESA. ESAIEG concurs with the conclusions and enhancement opportunities outlined in the EIS”.

As staff was satisfied that environmental, as well as other development requirements were adequate, the Site Plan Application was approved with conditions. The two provisions for lifting the ‘H’ Holding symbol have, therefore, been addressed and the present application can now be supported.

ALTERNATIVES FOR CONSIDERATION:

Development of the subject lands cannot occur until the ‘H’ Holding symbol has been removed by way of amending the Zoning By-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: The Planning Act does not require a Public Hearing to be held for the removal of a Holding ‘H’ symbol. However, notice of the intent to pass the By-law must be given to the landowner and anyone who had requested notice. There is no appeal for the removal of a Holding ‘H’ symbol.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

This application is consistent with the principles and the policies of the Provincial Policy Statement. Staff notes that the issues of potential contamination and environmental impacts have been addressed in order to comply with the requirements for lifting of the ‘H’ Holding symbol.

Hamilton Wentworth Official Plan

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

In addition, the subject lands are located adjacent to an Environmentally Significant Area (ESA No. 46 – Tiffany Creek Headwaters). Following consultation with ESAIEG under Site Plan Application (DA-05-129), all environmental concerns related to the development have been resolved. The measures recommended by ESAIEG consisted of ensuring only native trees and shrub species were used for landscape plantings.

SUBJECT: Removal of ‘H’ Holding Symbol from Lands Located at 187 Stone Church Road (Ancaster) (PED06095) (Ward 12) - Page 5 of 5

Town of Ancaster Official Plan

The subject property is designated as “Urban Area” on Schedule “A” and “residential” on Schedule “B”. The “Residential” designation permits uses such as churches, as stated in Section 4.4.1 of the Ancaster Official Plan. This application conforms to the Official Plan.

The site is also within the Meadowlands Mixed Use Secondary Plan Map 1. It is designated as “Residential” and “Special Study Area – ‘Part C’ (Institutional Use)”. These policies permit a church on this property.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Parking Planning, Downtown Renewal Division.
- Traffic Section, Public Works Department

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
Participation in community life is accessible to all Hamiltonians.

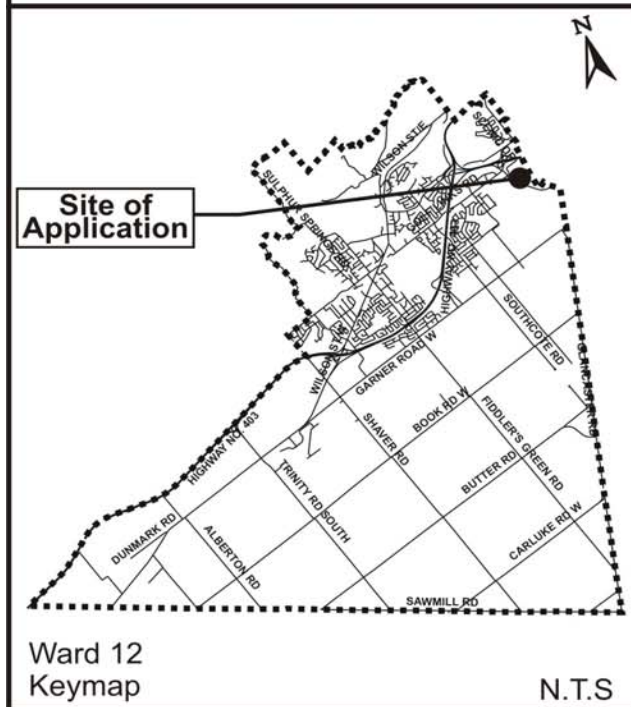
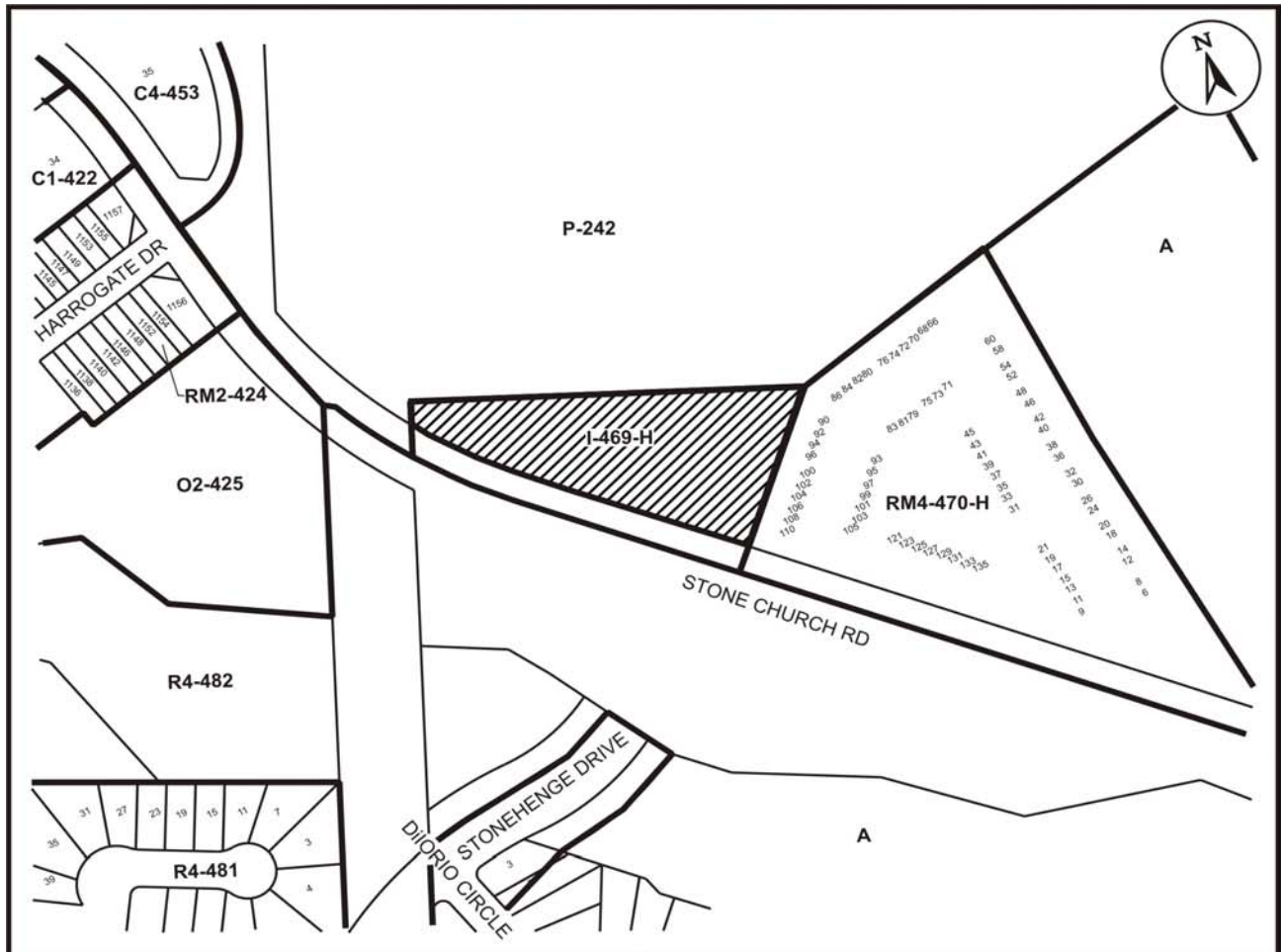
Environmental Well-Being is enhanced. Yes No
Ecological function and the natural heritage system are protected.


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


:EJ
Attachs. (3)




 Planning and Economic Development Department
Location Map

| | | |
|--------------------------------|---------------------------|------------------------------|
| File Name/Number: ZAH-06-06 | Date: January 23, 2006 | |
| Appendix "A" | Scale: N.T.S | Planner/Technician: JE/NB |

Subject Property
187 Stone Church Road


 Change in Zoning from the Institutional-Holding "I-469"-H' Zone to the Institutional "I-469" Zone

T&C File Name:

Authority: Item, Planning and Economic
Development Committee
Report: 06 - (PED06095)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 87-57 (Ancaster), as amended
respecting lands located at 187 Stone Church Road**

WHEREAS the City of Hamilton Act, 1999, Statues 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 Town of Ancaster" and is the successor of 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. 87-57 (Ancaster) was enacted an the 22nd day of June 1987 and approved by the Ontario Municipal Board on the 23rd day of January 1989;

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 , 2006, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the Former Town of Ancaster) in accordance with the provisions of the Planning Act;

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

1. That Map 1 to Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Institutional - Holding "I-469" – 'H' Zone to the Institutional "I-469" Zone, on the lands the extent and boundaries of

which are shown on a plan hereto annexed as Schedule "A".

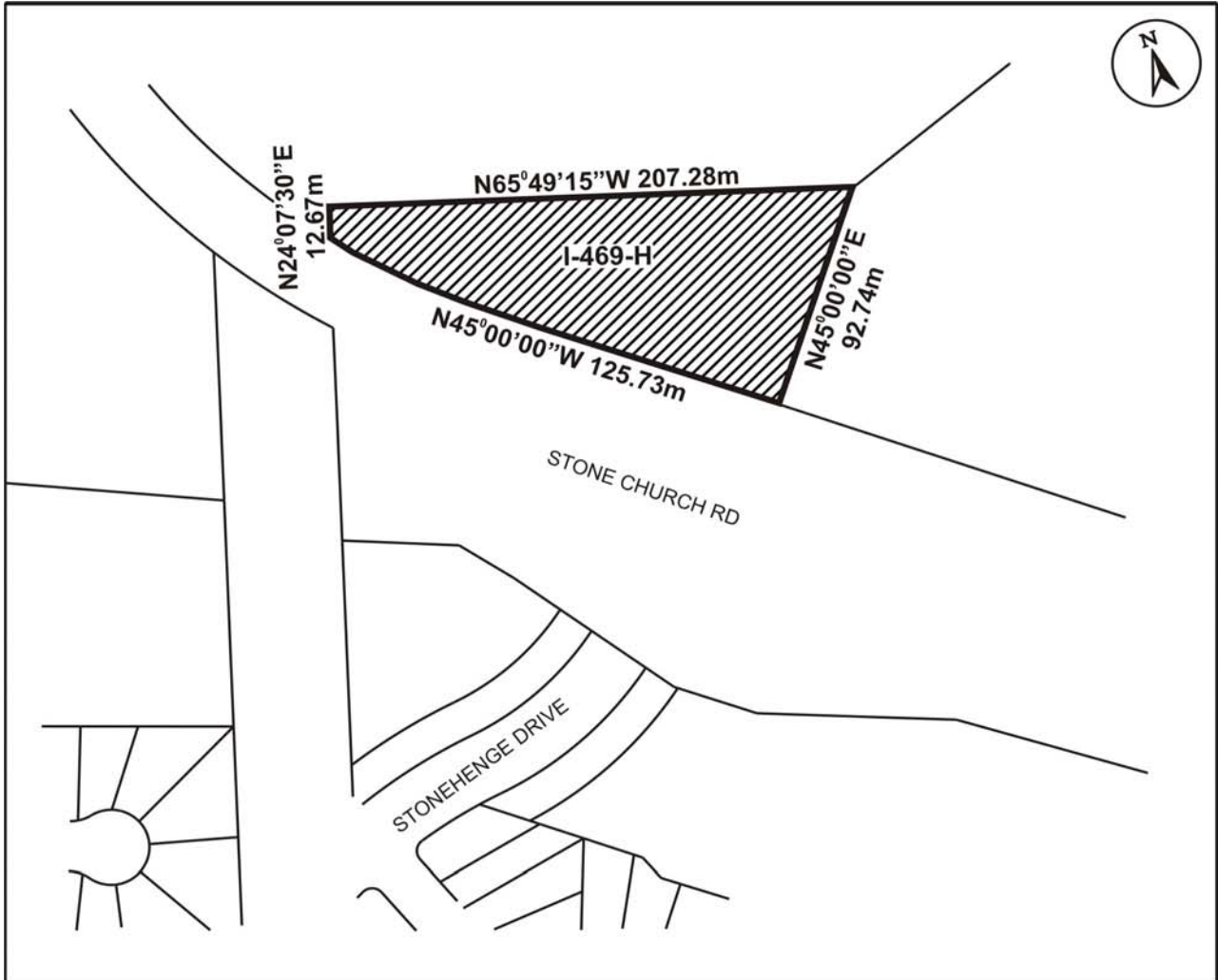
2. All other regulations of the Institutional "I-469" Zone, as amended, and the General Provisions of Zoning By-law No. 87-57 (Ancaster) shall continue to apply.
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2006.

MAYOR

CLERK

ZAH-06-06



This is Schedule "A" to By-Law No. 06—

 Clerk

Passed the day of, 2006

 Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
 By-law No. 06-_____

to Amend By-law No. 3692-92

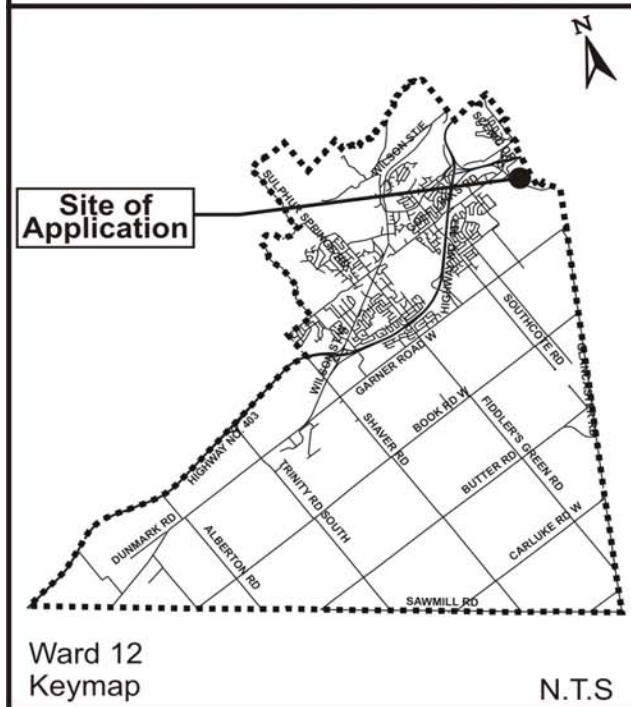
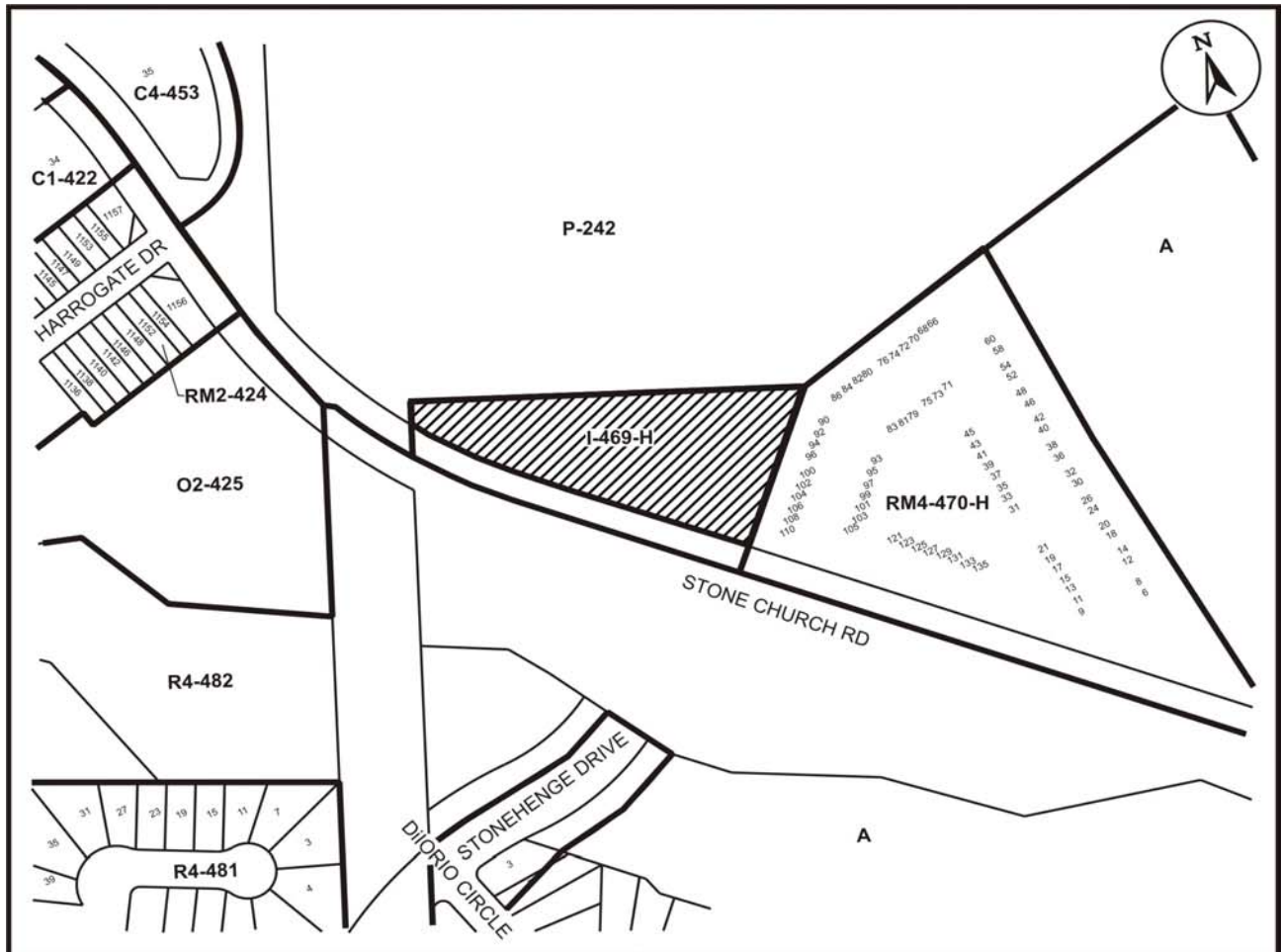
Subject Property


187 Stone Church Road



Change in Zoning from the Institutional-Holding "I-469"-H' Zone to the Institutional "I-469" Zone


| | | |
|-------------------------------|---------------------------------------|---|
| Scale: Not to Scale | File Name/Number: ZAH-06-06 |  Hamilton |
| Date: March 3, 2006 | Planner/Technician: EJ/NB | |




 Planning and Economic Development Department
Location Map

| | |
|--------------------------------|---------------------------|
| File Name/Number: ZAH-06-06 | Date: January 23, 2006 |
| Appendix "A" | Scale: N.T.S |
| Planner/Technician: JE/NB | |

Subject Property
187 Stone Church Road


 Change in Zoning from the Institutional-Holding "I-469"-H' Zone to the Institutional "I-469" Zone

Ward 12 Keymap N.T.S

T&C File Name:

Authority: Item, Planning and Economic
Development Committee
Report: 06 - (PED06095)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

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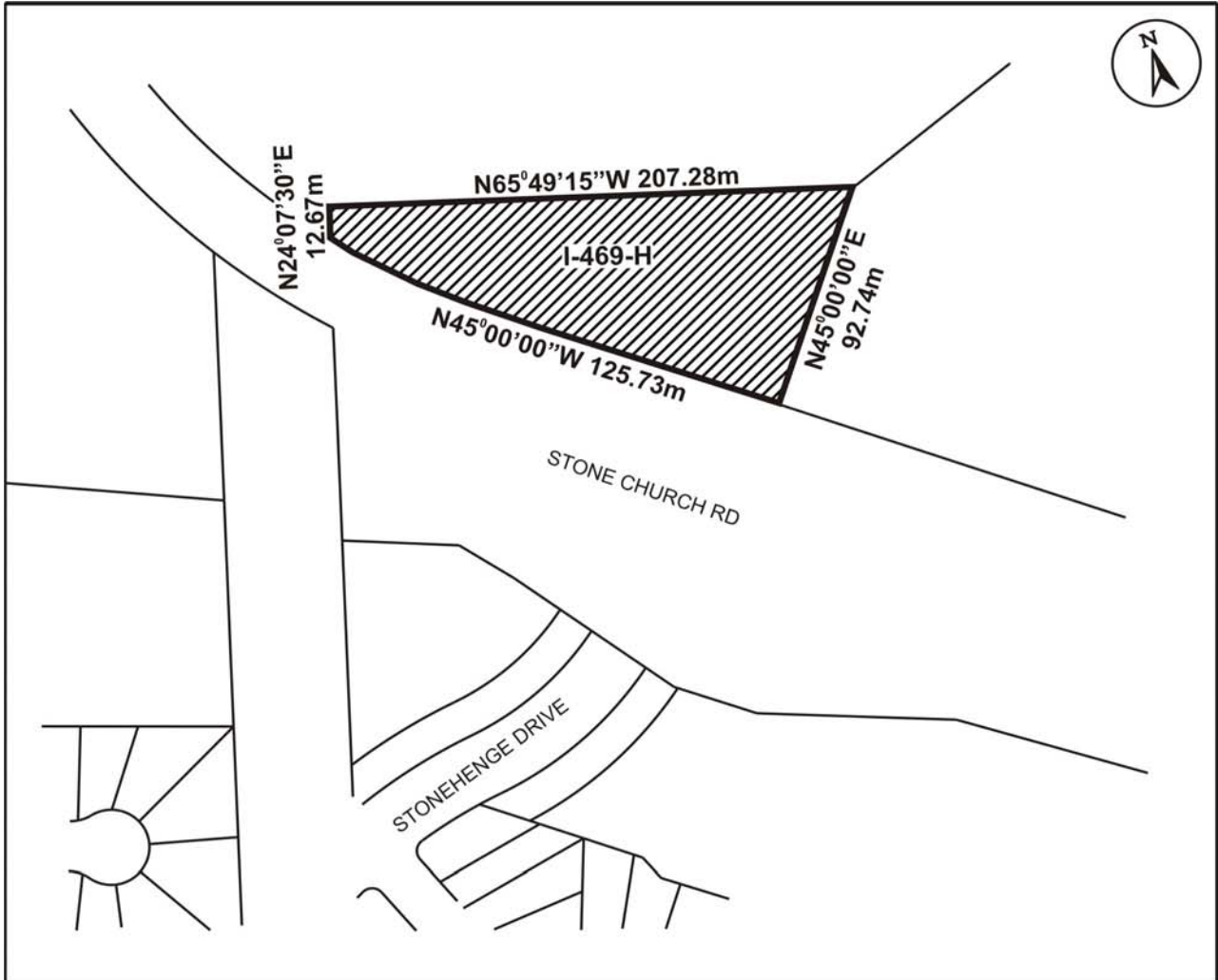
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3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2006.

MAYOR

CLERK

ZAH-06-06



This is Schedule "A" to By-Law No. 06—

----- Clerk

Passed the day of, 2006

----- Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
 By-law No. 06-_____

to Amend By-law No. 3692-92

Subject Property

187 Stone Church Road



Change in Zoning from the Institutional-Holding "I-469"-H' Zone to the Institutional "I-469" Zone

| | | |
|-------------------------------|---------------------------------------|--|
| Scale: Not to Scale | File Name/Number: ZAH-06-06 | |
| Date: March 3, 2006 | Planner/Technician: EJ/NB | |

