

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chairman and Members Planning and Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager
Date: April 29, 2005	Prepared by: Joe Muto
File: ZAC-05-10	Ext. 7859

SUBJECT: Application for a Change in Zoning for the Lands Located at 25 Talbot Lane (Glanbrook) (PD05131) (Ward 11)

RECOMMENDATION:

That approval be given to **Zoning Application ZAC-05-10, Mario and Toni Lynn Capela, owners**, for a change in zoning from the Deferred Development “DD” Zone to Airport-Related Business “M5(H)” Holding Zone to permit the future development of commercial mini storage units and a sales office, for the lands municipally known as 25 Talbot Lane, as shown on Appendix “A” to Report PD05131, on the following basis:

- (a) That the subject lands be rezoned from the Deferred Development “DD” Zone to the Airport-Related Business “M5(H)” Holding Zone.
- (b) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the Holding symbol “H” as a suffix to the proposed Zone. The Holding provision will prohibit the development of the subject lands until such time that:
 - Appropriate sanitary sewage and storm water disposable facilities and a potable water supply are available, to the satisfaction of the Manager, Development Engineering; and,
 - Appropriate public street access is available, to the satisfaction of the Director of Operations & Maintenance, Public Works.

City Council may remove the “H” symbol and, thereby give effect to the Airport-Related Business “M5” Zone, by enactment of an amending By-law once these conditions are fulfilled.

- (c) That the draft By-law, attached as Appendix “C” to Report PD05131, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

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- (d) That the amending By-law be added to Schedule “A”, of Zoning By-law No. 464.
- (e) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.
- (f) That upon satisfying the conditions of the “H” symbol and submitting the required fee, the Director of Development and Real Estate, Planning and Economic Development Department, be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act and to prepare a By-law, in a form satisfactory to Corporate Counsel, to remove the “H” symbol for presentation to City Council.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant is requesting to rezone the subject lands from the Deferred Development “DD” Zone to the Airport-Related Business “M5” Zone, in order to permit the future development of commercial mini storage units and a sales office (see Appendix “A”). The applicant has recently purchased the property with the intention of operating a sales office out of the existing residential unit and constructing mini storage commercial units (see Appendix “B”). Through the circulation of the rezoning application, it was determined that there is insufficient road infrastructure as well as sanitary servicing and water supply. However, the proposed rezoning application has merit as it is consistent with the proposed industrial and commercial uses intended for the Airport Industrial-Business Park. As a result, an “H” Holding provision is being implemented until:

- Appropriate sanitary sewage and storm water disposable facilities and a potable water supply are available, to the satisfaction of the Manager, Development Engineering; and,
- Appropriate public street access is available, to the satisfaction of the Director of Operations & Maintenance, Public Works.

The rezoning application implements the policies of the Provincial Policy Statement and conforms to the “Airport Industrial–Business Park” designation of the Township of Glanbrook Official Plan, and can be supported.

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BACKGROUND:

Proposal

The subject lands are located at 25 Talbot Lane, in the former Township of Glanbrook (see Appendix “A”). The applicant has proposed to construct commercial mini storage units, as well as to renovate the existing residential dwelling to establish a sales office on the subject lands (see Appendix “B”). Through the application circulation, the City has determined that there is insufficient road infrastructure as well as sanitary servicing and water supply for the development to proceed at this time. The applicant has, however, requested that the City put the lands into an “H” Holding provision until such time the City has determined that adequate servicing and road infrastructure exists for the development to proceed.

Details of Submitted Application

Owner/Applicant: Mario and Toni-Lynn Capela

Agent: Henry Merling Consulting c/o Henry Merling

Location: 25 Talbot Lane, former Township of Glanbrook

Description: Frontage: 104.91 metres along Talbot Lane
Depth: up to 103.84 metres
Lot Area: 10, 643.61 square metres

EXISTING LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Residential	Deferred Development “DD” Zone
<u>Surrounding Land Uses</u>		
North	Residential	Deferred Development “DD” Zone
East	Residential	Deferred Development “DD” Zone
South	Residential	Deferred Development “DD” Zone
West	Agricultural	Deferred Development “DD” Zone

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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 application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff notes the application is consistent with the principles and policies of the PPS.

Region of Hamilton-Wentworth Official Plan

The subject property is designated as Urban Area/Airport Business Park within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, Policy 3.1.4.1 permits the storage of non-hazardous material in enclosed buildings within the Airport Business Park. Therefore, as the nature of the application is for an amendment to the existing zoning to allow for a new commercial use (commercial mini storage), the proposal conforms with the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan

The subject property is designated as “Airport Industrial – Business Park” on Schedule ‘A’ – General Land Use Plan, of the Official Plan for Glanbrook and as “Airport-Related Prestige Industrial” on Schedule ‘A’ - Land Use Plan, of the Council adopted Airport Industrial-Business Park Secondary Plan.

The following policies, among others, are applicable to the proposed development:

B.2.6 Airport Industrial-Business Park

B.2.6.1 The permitted uses on the lands designated Airport Industrial-Business Park on Schedule "A" - Land Use Plan shall be limited to the following:

- (b) Airport-related commercial uses, including, but not limited to, hotels and motels, convention and exposition centres, restaurants, catering services, commercial storage facilities, automobile rental, leasing and servicing, gas stations, taxi terminals, places of entertainment and financial institutions;

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- B.2.6.3 Development of the Airport Industrial-Business Park will proceed in phases. Phase 1, which is the area north of and including the Mountain Transit Centre, may develop immediately subject to Section B.2.6.5 of this Plan. Phase 2, which is the area immediately south of the Mountain Transit Centre to the northern boundary of the lands of the Mount Hope Golf and Country Club, may proceed, subject to Section B.2.6.5 of this Plan, when full municipal services can be provided.
- B.2.6.6 The Airport Industrial-Business Park shall be developed in a coordinated and comprehensive manner. Wherever possible, regard shall be given to reducing the number of access points to the major boundary and major internal roadways, and to providing efficient internal traffic circulation, adequate off-street parking and loading facilities, adequate restrictions and screening of outside storage, and adequate landscaping, and buffering requirements
- B.2.6.8 All existing residential development within the Airport Industrial-Business Park shall be encouraged to be redeveloped in conformity with the permitted uses identified in Section B.2.6.1 of this Plan and in conformity with the other relevant policies of this Plan. However, it is recognized that the redevelopment of these existing residential uses may occur over a relatively lengthy period of time and in some cases, may not occur. All development in the Airport Industrial-Business Park shall be adequately separated, screened and buffered from existing residential and institutional uses in or abutting the Park, whether or not these uses are expected to be redeveloped.
- B.2.6.13 All development in the Airport Industrial-Business Park shall be adequately regulated by suitable provisions in the implementing Zoning By-law, which may establish various industrial and commercial zones with appropriate regulations regarding lot size and dimensions, setbacks, building size and character, off-street parking and loading facilities, landscaping and buffering, and signage.
- B.2.6.14 All new development and redevelopment in the Airport Industrial-Business Park shall be subject to site plan control pursuant to Section 40 of the Planning Act, 1983, and Section G.8 of this Plan.

SECTION G: IMPLEMENTATION

- G.5.3 In situations where the ultimate use of land is precisely known, but where Council wishes to delay development, a Holding Zone may be applied by using the symbol "H" in conjunction with a land use zoning category under any or all of the following circumstances:

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- (a) When development or redevelopment is anticipated in accordance with the provisions of this Plan, but where the details of such development have not been determined.
- (b) When land assembly is required to permit orderly development or redevelopment.
- (c) When the level of engineering and/or community services is not adequate to support the ultimate use, but such services are to be provided at a later date in accordance with the relevant provisions of the Plan.

The objective of the Holding Zone is to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly phased development and to ensure that the servicing and design criteria established in the Plan have been met prior to the removal of the "H" symbol.

The actual Holding By-law shall clearly specify the land uses to be permitted in the interim, the conditions for removal of the holding provision and any regulations applying to the lands during the period of time the holding provision is in place. The timing of the removal of the Holding provision would be dependent on meeting the conditions specified in the Holding By-law. Once all the conditions specified in the Holding By-law are met, Council may consider passing a By-law to remove the Holding symbol and allow development to take place in accordance with the zoning category or categories assigned.

Airport Industrial-Business Park Secondary Plan

3.7 Servicing

- 3.7.1 Development in the Airport Industrial-Business Park shall proceed on the basis of full municipal services, including, sanitary sewers, watermains and storm drainage facilities. The provision of the municipal sanitary sewers and watermains shall comply with the requirements of the Region, and the storm drainage facilities shall comply with the requirements of the Township pursuant to the approved Glanbrook Municipal Engineering Standards and the Master Storm Drainage Plan for the Airport Industrial-Business Park. The storm drainage facilities shall also satisfy the requirements of the Niagara Peninsula Conservation Authority, and where applicable, Transport Canada, Ministry of Transportation, Region of Hamilton-Wentworth and /or City of Hamilton.

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4.2 Zoning By-law

4.2.3 In situations where the ultimate use of land is precisely know, but where Council wishes to delay development, a Holding Zone may be applied by using the symbol "H" in conjunction with a land use zoning category under any or all of the following circumstances:

- (a) When development or redevelopment is anticipated in accordance with the provisions of the Township Official Plan and this Secondary Plan but where the details of such development have not been determined.
- (b) When land assembly is required to permit orderly development or redevelopment.
- (c) When the level of engineering and/or community services is not adequate to support the ultimate use, but such services are to be provided at a later date in accordance with the relevant provisions of the Township Official Plan and this Secondary Plan.

The objective of the Holding Zone is to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly phased development and to ensure that the servicing and design criteria established in the Township Official Plan and this Secondary Plan have been met prior to the removal of the "H" symbol.

The actual Holding By-law shall clearly specify the land uses to be permitted in the interim, the conditions for removal of the Holding provision and any regulations applying to the land during the period of time the Holding provision is in place. Interim uses shall be limited to the existing uses and/or uses that are considered to be compatible with the ultimate use of land. The timing of the removal of the Holding provisions would be dependent on meeting the conditions specified in the Holding By-law. Once all the conditions specified in the Holding By-law are met, Council may consider passing a By-law to remove the Holding symbol and allow development to take place in accordance with the zoning category or categories assigned.

Based on the foregoing, the proposal conforms to the Township of Glanbrook Official Plan and the Airport Industrial-Business Park Secondary Plan.

The Township of Glanbrook Zoning By-law No. 464

7.12 **HOLDING ZONES**

- (a) The prefix "H" may be used in conjunction with any zoning category of this By-law, however, only the uses legally existing on the subject lands on the date of the adoption of the By-law establishing the Holding symbol ("H") prefix are permitted, unless otherwise stated by this By-law.

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- (b) The "H" Holding symbol may be removed by Council, without the necessity of a Public Meeting, and subject to giving notice of its intention to pass an amending By-law to remove the Holding symbol, in accordance with the provisions of Section 36 of the Planning Act, being Chapter P.13 of the Revised Statutes of Ontario, 1990, as amended from time to time, provided Council is satisfied that:
- (i) appropriate sanitary sewage and storm water disposable facilities and a potable water supply are available;
 - (ii) appropriate public street access is available, and,
 - (iii) any and all conditions pertaining specifically to the removal of the "H" symbol, as established by the By-law establishing the "H" symbol for the subject lands, have been satisfied.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Ministry of Transportation

The Ministry of Transportation (MTO) has stated that the proposal will not significantly impact Upper James Street as the proposal will not have a direct access, and the volumes generated by this site are not expected to be significant. MTO will require a copy of the drainage/stormwater management report and a plan to determine if there will be any impact to drainage on Upper James Street.

While this proposed development is not immediately adjacent to Upper James Street, the owners must be made aware that MTO Building/Land-use Permits will be required for all proposed buildings and structures within 396 metres from the intersection of Upper James Street and Talbot Lane prior to any grading and/or construction on the subject lands. Sign permits may also be required as well, depending on the location of any signage. MTO will require that detailed site plans be submitted for review and approval.

Public Works (Traffic Engineering & Operations Section)

The Traffic Engineering & Operations Section has indicated that Talbot Lane is a minor road, which has not been adequately constructed nor does it have adequate road allowance to support the proposed commercial development (mini storage units). Further, they have also specified that development of these lands would not occur for some time; however, all existing uses may continue on Talbot Lane.

Notwithstanding the above, the Traffic Engineering & Operations Section would support a change in zoning to the Airport Related Business M5 zone with an attached "H" Holding provision that would restrict the development until adequate roadway infrastructure is in place as it relates to the Secondary Plan.

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Niagara Peninsula Conservation Authority

The Niagara Peninsula Conservation Authority (NPCA) has no objections with the rezoning application. They have, however, indicated that the applicant will have to provide a detailed stormwater management plan showing both existing and proposed overland flows, as well as addressing both quality and quantity of stormwater runoff for their review and approval. Therefore, the NPCA will provide more detailed comments at the site plan control stage.

The following Departments and Agencies have no comment or objection:

Ontario Property Assessment Corporation
Corporate Services (Budgets, Taxation and Policy)
Hamilton Police Services
Hamilton Emergency Services
Hamilton Hydro
Hydro One
Bell Canada
Hamilton Airport
Transport Canada
NAV Canada
Union Gas
Canada Post

PUBLIC CONSULTATION:

In accordance with the City's Public Participation Policy that was approved by Council on May 29, 2003, this application and notice of Public Meeting was pre-circulated to twenty-two property owners within 120 metres of the subject property. Staff received written comments on the proposed rezoning application from one resident (see Appendix "D"). The concerns raised relate to property values, traffic and natural environment. An analysis of these concerns is contained in the Comments section of this Report.

CITY STRATEGIC COMMITMENT:

The subject property is within the defined urban area. The proposed zone change is consistent with the objectives of sustainable development. The proposal is consistent with the objectives of Vision 2020, which encourages individual enterprise and initiative and locally owned and controlled businesses; and encourages local commercial/retail businesses to respond to the sustainability concerns of local consumers.

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COMMENTS:

1. The proposed rezoning to the Airport-Related Business “M5(H)” Zone has merit and can be supported for the following reasons:
 - (i) The development proposal is consistent with the principles and policies of the Provincial Policy Statement.
 - (ii) The proposal conforms with and implements the Urban Area policies of the Hamilton-Wentworth Official Plan.
 - (iii) The proposed change in zoning conforms to the policies of the Township of Glanbrook Official Plan.
 - (iv) The proposed change in zoning conforms to the intent of the Airport Industrial-Business Park Secondary Plan.
 - (v) The proposal is consistent with future intended development for the Airport Industrial-Business Park.

2. The permitted uses under the current Deferred Development “DD” Zone primarily consist of agriculturally related uses, as well as existing residential dwellings. The Township of Glanbrook Official Plan designates the subject lands as Airport Industrial-Business Park. This designation permits commercial storage facilities, among other uses. These policies also identify phasing of development in the Airport Industrial-Business Park. The subject lands are located south of the Mountain Transit Centre and, therefore, are within Phase 2 and can proceed to be developed once full municipal services can be provided. There is insufficient land available on Talbot Lane to build a road to provide adequate access to the property on full municipal servicing. The Traffic Engineering and Operations Section has identified Talbot Lane as a minor road, which has not been constructed to municipal standards and, therefore, is insufficient to support the proposed development. The applicant should also be aware that the proposed Airport-Related Business “M5” Zone would not permit residential uses. As such, the dwelling would either have to be removed or converted in its entirety into a permitted use.

The Implementation policies of the Official Plan and Zoning Regulations allows Council to delay development by applying a “H” Holding Zone provision in conjunction with a land use zoning category under various circumstances. In this particular instance, the circumstances would relate to the availability of appropriate sanitary sewage, potable water supply and appropriate public street access, to the satisfaction of the City. Once these conditions have been met, Council may consider passing a By-law to remove the “H” Holding symbol and allow development to take place in accordance with the Airport-Related Business “M5” zoning category. Upon lifting the “H” Holding provision, the applicant should be advised that all proposed development and redevelopment for the

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subject lands will be subject to site plan control, pursuant to Section 41 of the Planning Act, and Section G.8 of the Glanbrook Official Plan, to ensure a high quality of design and aesthetic value. Furthermore, the applicant should be advised that stand alone development on the subject lands will be dependent on the final road network design, and there can be no assurance that land assembly for future comprehensive development will not be required.

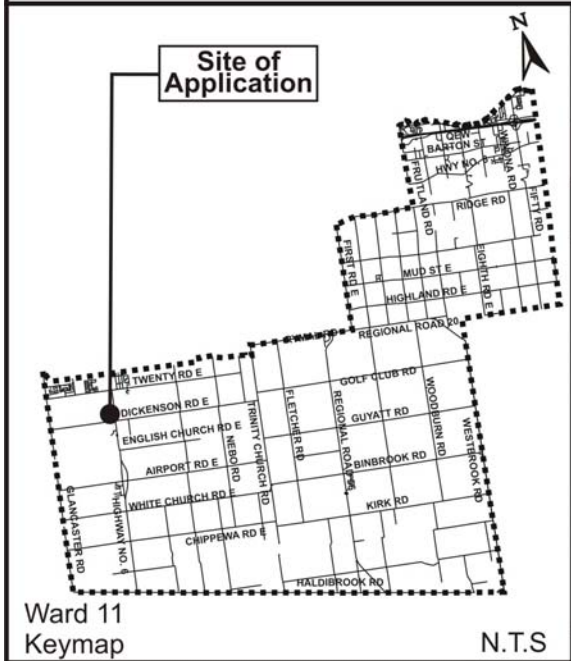
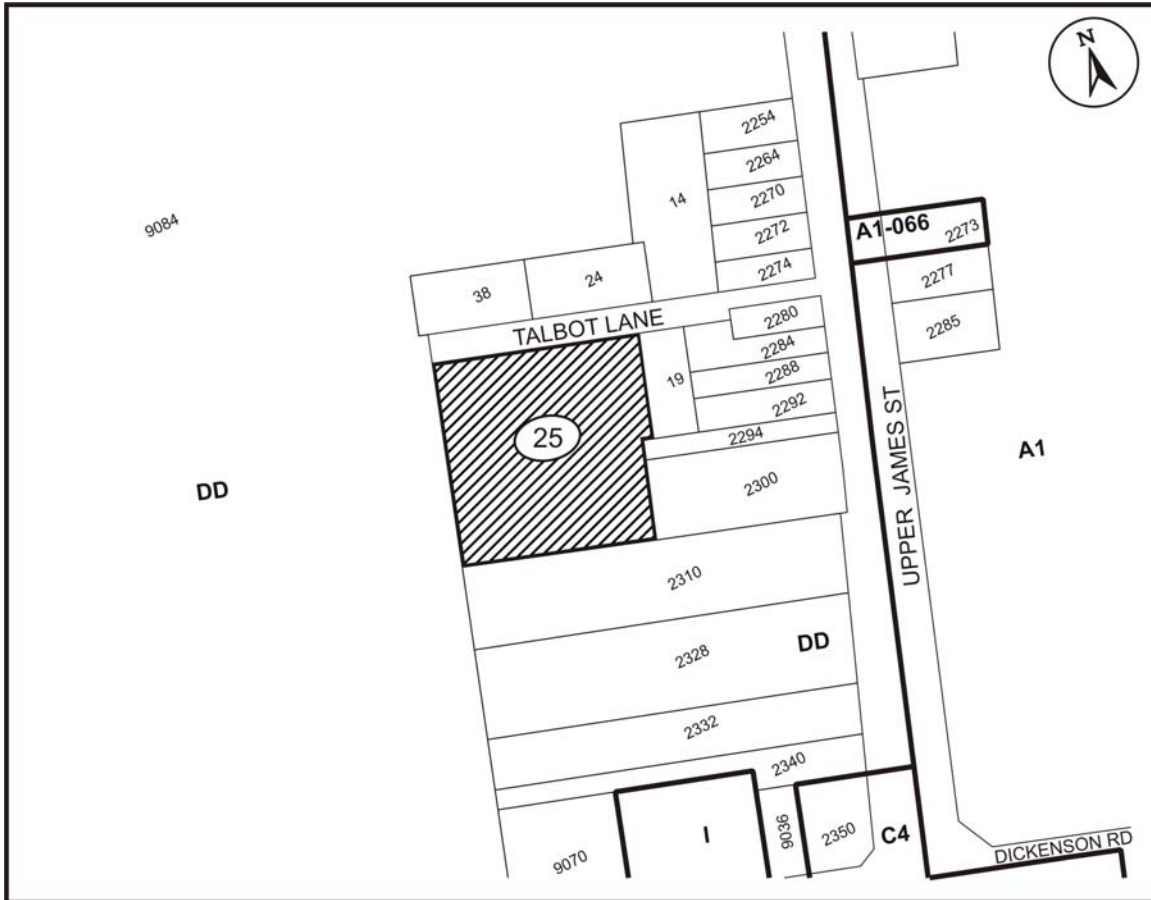
3. The subject lands should be placed in a Holding (H) provision, pursuant to Section 36(1) of the Planning Act. As such, prior to the development of the subject lands, the owner/applicant will be required to satisfy the following conditions:
 - That appropriate sanitary sewage and storm water disposable facilities and a potable water supply are available; to the satisfaction of the Manager, Development Engineering; and,
 - That appropriate public street access is available, to the satisfaction of the Director of Operations & Maintenance, Public Works.
4. With respect to the letter received from the neighbour, one concern was with potential effects on property values. In this regard the City has no data or information which would suggest any negative impact to property values. Any traffic concerns related to the proposal will be addressed through site plan control. Lastly, with respect to the natural environment, the subject lands are not identified as an area of natural heritage or environmental significance, and are designated for urban land use.

CONCLUSION:

Based on the foregoing, staff supports the application subject to the “H” Holding provision, as identified in the Recommendation Section of this Report.

:JM

Attachs. (4)



Ward 11
Keymap

N.T.S



Hamilton

Planning and Development Department

Location Map

File Name/Number:
ZAC-05-10

Date:
February 10, 2005

Appendix "A"

Scale:
N.T.S

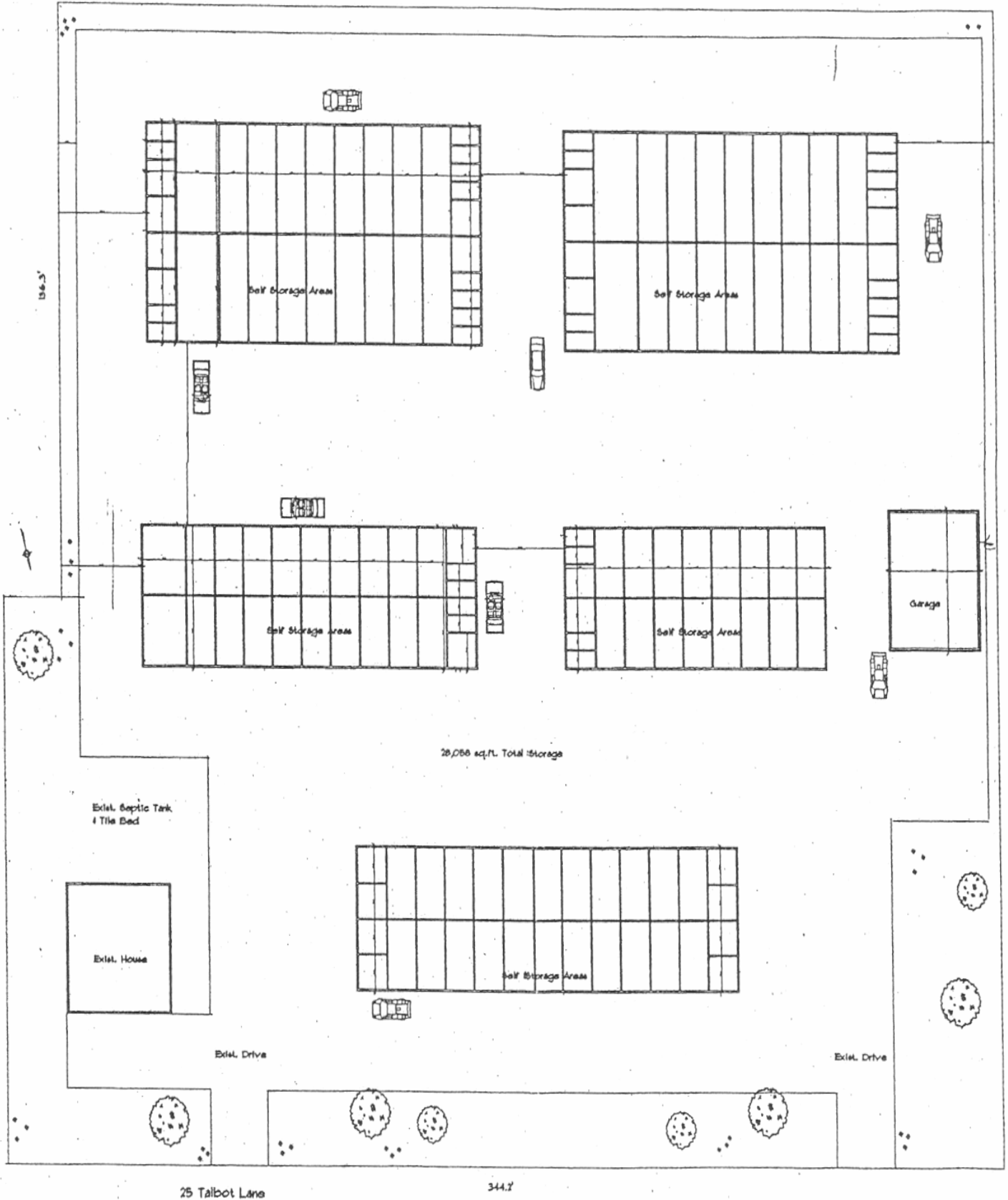
Technician:
MZ



Subject Property

25 Talbot Lane
Change in Zoning from Deferred
Development "DD" Zone to the Airport
Related Business **Holding "M5(H)" Zone**

T&C File Name: N:\1T&c\Location_Maps\2005\February\Corel\ZAC-05-10.cdr



Authority: Item _____, Planning and
Economic Development
Committee
Report 05- _____ (PD05131)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 25 Talbot Lane

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 area municipality known as "The Corporation of the Township of Glanbrook" 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report 05- _____ of the Planning and Economic Development Committee at its meeting held on the _____ day of _____, 2005, recommended that Zoning By-law No. 464 (Glanbrook), 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 Township of Glanbrook);

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

1. Schedule "A", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Deferred Development "DD" Zone to the Airport-Related Business "M5(H)" Holding Zone, the land comprised in Part of Lot 5, Concession 2, Township of Glanford (25 Talbot Lane), the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The 'H' symbol applicable to the lands referred to in Section 1 shall be removed conditional upon,
 - (i) Appropriate sanitary sewage and storm water disposable facilities and a potable water supply are available, to the satisfaction of the Manager, Development Engineering; and,
 - (ii) Appropriate public street access is available, to the satisfaction of the Director of Operations and Maintenance, Public Works.

The "H" symbol shall be removed by an amendment to this By-law and the development of the lands referred to in Section 1 may at such time proceed in accordance with the "M5" Zone provisions.

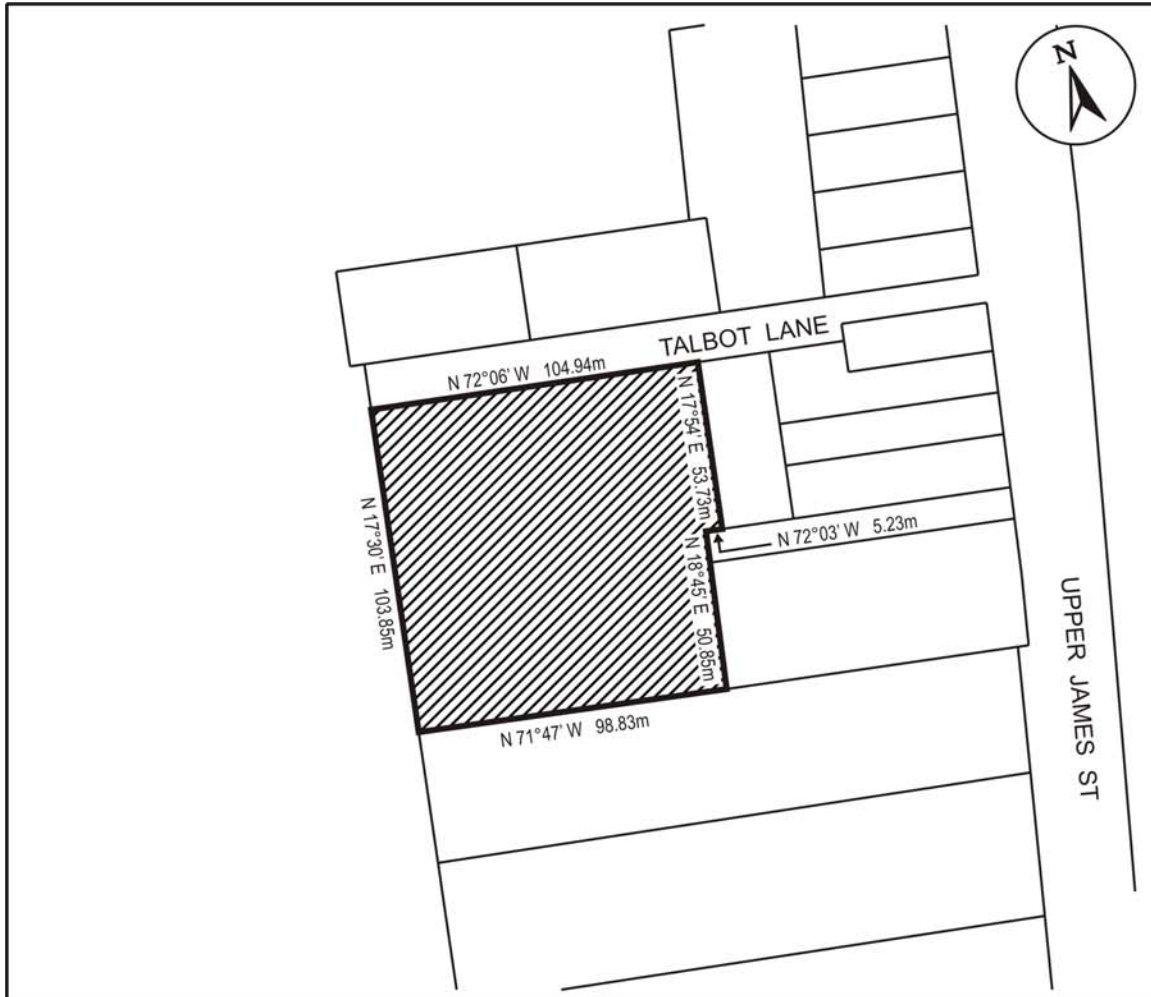
3. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding a new special provision, Airport-Related Business "M5(H)" Holding Zone.
4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this _____ day of _____, 2005.

MAYOR

CLERK

ZAC-05-10



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

----- Clerk

Passed the day of, 2005

----- Mayor

Schedule "A"

Map Forming Part of
By-Law No. 05-____
to Amend By-Law No. 464



Subject Property 25 Talbot Lane



To be rezoned from Deferred Development "DD" Zone to the Airport-Related Business Holding "M5(H)" Zone

North



Scale:
Not to Scale

Date:
April 2005

File Name/Number:
ZAC-05-10

Planner/Technician:
JM/MZ

T&C File Name: ZAC-05-10SchA.cdr

Appendix "D" to Report PD05131

From: Gene Dupuis
Sent: Friday, April 08, 2005 4:11 PM
To: Muto, Joe
Subject: ZAC-05-10

I am writnig you in concern with the re-zoning application at 25 Talbot Lane, Mount Hope (Glanbrook), Ontario. I have a few concerns I would like to go over with you.

1 - This is a small lane of 7 houses, with not a lot of traffic. The largest trucks we see are the septic pump trucks and water delivery trucks. Having this many storage containers (refer to map) will greatly increase the amount of car & truck traffic. This is a fairly quiet lane outside of Upper James and Airport traffic.

2 - There is a house across the lane that looks out over this property, It won't be a very nice view anymore.

3 - 2 weeks ago for 2 mornings in a row, while I was driving along Dickenson Rd. on my way to work I saw about a dozen deer hanging out in the old corn field behing the water pump house. This was an awesome sight. It would be a shame if we don't get to se these deer ever again.

4 - How does this zoning affect our property values and how long before we are asked to move on?

Thanks You for your time & hope to see you in May at City Hall.

Gene Dupuis

Appendix "D"