SUBJECT: Application for a Modification in Zoning for the Properties Located at 86 Homewood Avenue and 91 Stanley Avenue (Hamilton) (PED06335) (Ward 1)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-05-122, by Melrose United Church, owner, for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit a limited range of commercial uses in the same building as a place of worship, on the properties located at 86 Homewood Avenue and 91 Stanley Avenue (Hamilton), as shown on Appendix “A” to Report PED06335, on the following basis:

(a) That the subject lands be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D/S-1549” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.

(b) That the attached draft By-law, included as Appendix “B” to Report PED06335, 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 Official Plan of the City of Hamilton.

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

The application is for a modification in zoning to permit a limited range of commercial uses in the same building as a place of worship. The proposal can be supported as it conforms with the Official Plan, the commercial uses are compatible with the existing use of the church, sufficient parking is available, and it allows an adaptive reuse of an historical building.

BACKGROUND:

Proposal

The application is for a modification to the existing “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit commercial uses within the existing building containing a place of worship. The proposed commercial uses include professional offices, counselling services, commercial school, day nursery, and a caterer. An existing 40 space parking lot, on an abutting property at 91 Stanley Avenue is owned by Melrose United Church and will be merged in title with the main church property at 86 Homewood Avenue. This parking lot is available to accommodate parking generated by the proposed uses. However, to ensure that the commercial uses are operated at a minor scale, the uses are required to be located in the same building as a place of worship existing at the time of the passing of the By-law. In addition, no medical uses are permitted and the total gross floor area for commercial uses shall be limited to 1,600 square metres.

Location: 86 Homewood Avenue (existing church)
91 Stanley Avenue (existing 40 space parking lot)

Owner/Applicant: Melrose United Church

Property Description:

Frontage: 80.8m (Homewood Avenue)
17.2m (Stanley Avenue)

Depth: 39.65m (east property line)

Lot Area: 3,360m²

Servicing: Full municipal services
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Church and 40 space parking area</td>
<td>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District</td>
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</tbody>
</table>

Surrounding Lands

<table>
<thead>
<tr>
<th>North</th>
<th>Single and Duplex dwellings</th>
<th>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District</th>
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<tbody>
<tr>
<td>South</td>
<td>Single and Duplex dwellings</td>
<td>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District</td>
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<tr>
<td>East</td>
<td>Single and Duplex dwellings</td>
<td>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District</td>
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<tr>
<td>West</td>
<td>Single and Duplex dwellings</td>
<td>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District</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 Provincial Policy Statement and conforms with the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

   (ii) It conforms with the “Residential” designation of the City of Hamilton Official Plan, in that churches and limited individual or groups of commercial uses on sites not exceeding 0.4 hectares in area are permitted within the “Residential” designation.

   (iii) It conforms with the “Civic and Institutional” designation of the “Kirkendall North” Neighbourhood Plan, in that churches and secondary uses are permitted within this designation.

   (iv) The proposed modification in zoning would provide for an adaptive reuse of a church listed on the Inventory of Buildings of Architectural and/or Historical Interest while providing limited commercial uses to serve the local residential community.
2. Melrose United Church has proposed to make available approximately one half of the existing church office/meeting room and kitchen area (approximately 1,600 square metres) for businesses or other organizations to lease for commercial uses. The property and building would continue to be owned by Melrose United Church. The following commercial uses are proposed and a review of the nature and appropriateness of the uses is provided below:

**Professional offices**

Professional offices include offices for professionals such as lawyers, accountants, architects, real estate agents, business or financial consultants, and other similar uses. Medical offices (doctors, dentists and other health practitioners) are also included in this category. However, due to the high parking demand for medical uses, the applicant has indicated that no medical offices are proposed. A restriction to prohibit medical uses in the implementing By-law can be utilized. The use of a portion of the existing church offices for other office uses is a natural extension of the existing use of the offices. Professional offices also generally do not generate a large demand for parking as very few customers or clients would attend the office at any one time. Professional offices also serve the local residential area. It should also be noted that for professional offices, the Zoning By-law does not require any parking to be provided for the first 450 square metres of gross floor area. However, one parking space must be provided for each 31 square metres of floor area in excess of 450 square metres.

**Counselling services**

Counselling services are considered professional offices and, as such, the above noted zoning modification to permit professional offices would already include counselling services and no other special modification in zoning is required. The use of a church for private counselling services is consistent with the existing use of the church. Places of worship already provide counselling services to congregation members and to other members of the community through meetings with the minister and by providing meeting areas for many community organizations. Alcoholics Anonymous or other organizations that may provide counselling for domestic abuse and other issues already utilize the church and its offices and meeting rooms. Therefore, an extension to permit counselling services for other organizations either as for-profit or not-for-profit is consistent with the nature of the existing church. It should also be noted that professional offices for counselling services is not a residential care facility and that permitting professional offices would not permit any form of a residential care facility.
Private (Commercial) School

This type of commercial use could include private elementary or high school classes, ESL (English as a Second Language) classes, business or computer schools, dance, music or art school, or other similar types of schools. The use of existing church meeting rooms or classrooms for a private school is also consistent with the existing use of the church. Churches already provide classrooms for Sunday school, confirmation or wedding courses, organizations such as Scouts Canada or Girl Guides Canada, and host meetings for church and community groups for educational and recreational uses such as quilting or gardening classes. A total of 6 existing rooms within the church could be potentially utilized for a commercial school as each classroom would require 6 parking spaces under the standard parking provisions of the Zoning By-law. Therefore, a 40 space parking area would only accommodate 6 classrooms. However, to provide further assurance of the scale of the commercial school, the implementing By-law would permit a maximum of 6 classrooms. It should be noted that should a commercial school with 6 classrooms be established prior to any other commercial uses, then no further commercial uses would be permitted as all required parking would be allocated to the commercial school.

Day Nursery

The church already contains a day nursery for 24 children and a day nursery use is already permitted within the church with no limitation as to the number of children. However, 1 parking space must be provided for every 3 children. Therefore, no zoning modification is required in order to permit any proposed expansion to the existing day nursery. Any future expansion in the number of children accommodated by the day nursery is and would be regulated by the number of existing parking spaces. Should the remainder of the existing parking area be allocated to other commercial uses, then no expansion to the day nursery would be allowed.

Catering

Melrose United Church contains an existing large kitchen that is utilized for church and other community meals such as pancake or strawberry socials or meals for the homeless and for other special occasions and receptions. The church is proposing to allow a commercial catering company to utilize the kitchen when not in use by the church (along with a small office). The total area for the catering use (kitchen and accessory office) would be limited to 100 square metres of gross floor area. No expansion to the church kitchen is proposed. The proposed use, subject to a restriction limiting gross floor area to 100 square metres and that the business utilize only the existing kitchen and an accessory office, is appropriate. Catering businesses do not generate any substantial parking demand as food is delivered off-site. It should be noted that catering businesses are licensed by the City of Hamilton and health inspections would be conducted.
3. The total gross floor area of surplus office space/meeting rooms and kitchen area within the existing church that is proposed to be utilized for commercial uses is 1,600 square metres, excluding the existing day nursery that is already permitted in the same building as a church. No specific commercial use or individual company or business is identified as the church is currently gauging interest from different organizations and businesses that could potentially lease some or all of the 1,600 square metres. As such, the final uses within existing meeting rooms and office space could consist entirely of only a professional office(s), or a combination of a professional office, or a small commercial school utilizing just one (or more) existing rooms. Therefore, it is not feasible or practical to regulate an exact floor area for each of the possible uses, except for a restriction on the catering use to a maximum of 100 square metres utilizing the existing church kitchen. Rather, the implementing By-law would limit the total commercial area to 1,600 square metres no matter how the various uses are developed. This would ensure that the scale of commercial uses is minimized. In addition, the amount of existing parking (40 spaces) would also be a limiting factor in the amount of permitted commercial space. However, the Zoning By-law does not require parking for the first 450 square metres of gross floor area for a professional office.

4. Melrose United Church has a parking area on the north side of the church at 91 Stanley Avenue containing 40 parking spaces. This property is owned by the church and will be merged in title with the main church property at 86 Homewood Avenue. These parking spaces would be available to the various commercial users of the church. Different commercial uses have different parking requirements within the Zoning By-law. For example, the standard parking provisions of the Zoning By-law require commercial schools to have 6 parking spaces for each classroom; day nurseries require 1 parking space for every 3 children; and, professional offices (except medical) require 1 parking space for each 31 square metres of floor area for that portion of floor area in excess of 450 square metres. Therefore, the final total number of parking spaces required would vary depending on the use. However, the supply of parking under the standard provisions is adequate for the permitted use with the greatest parking demand (professional offices). Should the entire 1,600 square metres be utilized for a professional office(s), a total of 37 parking spaces would be required under the standard provisions and the existing 40 spaces would accommodate the parking needs.

Through building permit applications for a change of use, for interior renovations, and during any review of license applications (such as for a catering or day nursery use), the Building and Licensing Division would ensure that adequate parking is provided.

5. The application was pre-circulated to property owners within 120 metres of the subject lands. Four letters were received from neighbouring property owners expressing concerns with the impact of the proposal on traffic and parking demand (see Appendix “C”). In this regard, the Public Works Department
(Traffic Engineering and Operations Section) has reviewed the application and has advised that there are no concerns with any increased traffic as a result of the application or with the ability of the local streets (Homewood Avenue, Stanley Avenue, and Locke Street South) to handle the traffic. With regards to parking, the existing 40 space parking lot on the church property is sufficient to accommodate any parking generated by the commercial uses. Proposed By-law provisions limit the total combined commercial gross floor area to 1,600 square metres within the building existing at the time of the passage of the By-law, and require that the commercial uses be located in the same building as a place of worship, which provides further assurances.

While churches in the City of Hamilton are not required to maintain any on-site parking, there are 40 spaces available. The general hours of operation for the proposed commercial uses would be during regular business hours on Monday to Friday. Times when regular church activities generate the most parking needs (Sunday services, evening church group meetings, or weekend weddings) do not generally overlap with the times when parking would be required for the commercial uses. Therefore, staff is of the opinion that the proposed commercial uses would not unduly impact the local residential area with regards to impacts from parking or traffic, as sufficient parking is provided to accommodate multiple uses of the property.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application be denied, the lands can only be utilized for uses permitted within the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District. These uses include a single or two family dwelling. Places of Worship are permitted in all zoning districts in the City of Hamilton.

**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 proposal is consistent with the Provincial Policy Statement (PPS).

City of Hamilton Official Plan

The property is designated “Residential” in the City of Hamilton Official Plan. The following policy of the City of Hamilton Official Plan, among others, is applicable to the proposed development:

“A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:

ii) Schools, churches and similar institutional uses less than 0.4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;

iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Centres, in accordance with the Commercial Policies as set out in Subsection A.2.2 of this Plan. (OPA 128).”

The proposal conforms with the “Residential” designation as the existing church and commercial uses would serve the needs of local residents as permitted within this designation.

Neighbourhood Plan

The property is designated “Civic and Institutional” in the approved Kirkendall North Neighbourhood Plan. A church is permitted within this designation and no amendment to the neighbourhood plan is required in order to permit secondary commercial uses with the existing church building.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section); and,
- Public Works Department (Budgets Section).
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to all property owners within 120 metres of the subject property and a Public Notice sign was erected on the property. In addition, a neighbourhood open house was hosted by the church in September 2005. As a result of the public consultation, 4 local residents expressed concerns related to parking and traffic (see Appendix “C”). It should be noted that the residents did not express concern with any of the specific proposed uses. Resident concerns relate exclusively to the impact the additional commercial uses would have on traffic and overflow parking. This is addressed in 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
Shelter, care and satisfying employment are accessible to all Hamiltonians. The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Consumption of all natural resources is reduced.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:GM
Attachs. (3)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton),
Respecting 86 Homewood Avenue and 91 Stanley Avenue

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 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 06- of the Planning and Economic Development Committee at its meeting held on the day of , 2006, 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. W-14 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
(a) by changing the zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D/S-1549” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, be modified to include the following special requirements:

(a) That notwithstanding Subsection 10.(1) of Zoning By-law No. 6593, the following additional uses are permitted only in conjunction with a place of worship existing on the date of the passing of the by-law, being the day of 2006, and having a combined maximum gross floor area of 1,600 square metres:

(i) Professional Offices, except that medical offices shall not be permitted;

(ii) Catering Services within the existing kitchen having a maximum gross floor area of 100 square metres; and,

(iii) Commercial School with a maximum of 6 classrooms.

3. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1549.

4. 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 "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions, subject to the special requirements referred to in Section 2.

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 , 2006.

________________________________________  ______________________________________
MAYOR                                                           CLERK

ZAC-05-122
Appendix "B" to Report PED06335 (Page 3 of 3)

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

Passed the ............... day of .................., 2006

Clerk

Mayor

Schedule “A”

Map Forming Part of By-law No. 06—_____ to Amend By-law No. 6593

Subject Property

86 Homewood Avenue and 91 Stanley Avenue (Hamilton)

Modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

Scale: Not to Scale

File Name/Number: ZAC-05-122

Date: July 2006

Planner/Technician: GM/MB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
January 6 2006
Ms Shannah Murray,
City of Hamilton
Planning & Economic Development Dept.,
City Hall, Hamilton

Dear Ms Murray,
I live at 87 Homewood Ave, directly across from Melrose United Church, the applicant for a zoning amendment, ZAC-05-122. The major concern that I have is the provision of parking for any of clients and operators of the businesses that will locate in the church. This is very necessary as street parking is at a premium even at this time and I feel that this needs to be addressed especially during the winter. Would the city be willing to consider permit parking for the residents of this area, and also more snow plowing as needed?
Will the Church businesses be required to pay business taxes and thereby help reduce our residential levy?

Thank you for your considerations
Dorothy Borski
I have some concerns about traffic along Stanley and Locke with respect to this application. Please send me the staff report and notice of the meeting. Thanks.

David Cohen
89 Stanley Ave.
Murray, Shannah

From: Andre Normandin
Sent: Sunday, January 08, 2006 9:43 PM
To: Murray, Shannah
Subject: Zoning Amendment Application ZAC-05-122

Dear Ms Murray,

The Melrose United Church, located at 86 Homewood Avenue, has filed an application for rezoning from "D" District to "D" District, Modified to allow the addition of the following commercial uses, business and professional office uses etc. As a resident at 82 Stanley Avenue located very close to the parking intake for Melrose Church, I am already having difficulty finding a parking place close to my home. As Stanley Avenue is a one way street, I often have to circle the block, in order to find a parking place. I am concerned that the proposal will only increase pressure for parking on Stanley Avenue.

As a solution to this I propose that both sides of Stanley Avenue be made available for parking, but that the north side be designated as Residential parking only with permits (limit of two) issued to qualifying residents.

dest Regards,
André Normandin
82 Stanley Avenue
Hamilton, ON
Ms. Murray

I am a resident of 85 Homewood Avenue situated directly across from the Melrose United Church. Having received your Preliminary Circulation I would like to make known a few of my concerns regarding the commercialization of said address.

1. Parking Concerns: At the moment we have use of the street to park our vehicles. The majority of homeowners have 2-3 vehicles which must be parked on Homewood. Here we offload our children, groceries, housing supplies and conduct our day to day household business. At the moment our ability to park is often tenuous and completely at the mercy of the church business. Even though they have a large, free parking area at the rear of the church it is rarely used and it is not uncommon to have every single spot up and down the street filled by church attendees (weddings, choirs, services, concerts) while their parking area remains completely (no exaggeration) empty. We of the street have raised this concern to the church numerous times and have been ignored completely or rebuffed rudely. At the moment we are in the process of applying for complete permit parking to ensure we have somewhere in the vicinity to place our vehicles. The addition of numerous businesses to this block would result in a ridiculous situation as far as parking is concerned.

2. The first 4 houses along the South side of Homewood directly across from the church house 9 children under the age of 11. Their are many more living past these residences. As children do they play in the area. At the moment with the moderate amount of traffic we have there are numerous instances of cars traveling at high rates of speed, going the wrong way down the street (this in itself the cause of regular accidents and near misses) and much noise. To suggest adding to this seems unreasonable.

3. When we purchased this house one of the main selling points was the quiet a church provided as across the street neighbors. It would most certainly affect the selling prices of any of our residences to have any of the businesses added as suggested in the zoning application.

To conclude we are opposed to the zoning variance as described.

Thank You

Michael & Beth Lowes
85 Homewood Ave

Hamilton L8P 2M3