SUBJECT: Application for a Change in Zoning for Lands Known as 973-975 Queenston Road (Stoney Creek) (PED06350) (Wards 5 and 9)

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAR-06-48, by K & H Creek Investments Ltd., owners, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, by modifying the General Commercial “GC-36” Zone by adding a fast food restaurant and outdoor patio as permitted uses, and for an amendment to the City of Hamilton Zoning By-law No. 6593, by modifying the “G/S-1053” and “G/S-1054” (Neighbourhood Shopping Centre, etc.) Districts, by adding a fast food restaurant as an additional permitted use, on the lands known municipally as 973-975 Queenston Road, as shown on Appendix “A” to Report PED06350, on the following basis:

(i) That the draft By-law attached as Appendix “E” to Report PED06350, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.

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

(b) That the Riverdale East Neighbourhood Plan be amended to remove the “Special Restrictions” from the rear portion of the lands known as 973-975 Queenston Road.
EXECUTIVE SUMMARY:

The purpose of this application is to add a fast food restaurant (Pizza Pizza) and outdoor patio as permitted uses on the subject lands.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and City of Hamilton Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal

The applicant has applied to amend the zoning of the subject lands to add a fast food restaurant and outdoor patio for a proposed Pizza Pizza on the lands known as 973-975 Queenston Road (see Appendix “A”) as it is currently not a permitted use.

The subject lands were previously located in both the former City of Stoney Creek (Queenston Road frontage) and the City of Hamilton. As such, the subject lands have dual zoning for each former municipality. The fast food restaurant with outdoor patio is proposed to be located in a vacant unit at the southerly end of the existing commercial plaza in the former City of Stoney Creek (see Appendix “B”). The applicant, Pizza Pizza, would occupy a 258 square metre unit within the existing commercial plaza and are proposing 40 seats inside the restaurant (see Appendix “D”), and a total of 24 seats would be provided on the outdoor patio (see Appendix “C”).

The existing Pizza Pizza located on the Fiesta Mall site, to the southeast, is proposing to relocate to the subject lands.

Details of Submitted Application

Owner: K & H Creek Investments Ltd.

Applicant: Pizza Pizza

Location: 973-975 Queenston Road, Stoney Creek

Description: Frontage: 34.3 metres (Queenston Road)
Lot Area: 0.43 hectares
EXISITNG LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Commercial Plaza</td>
<td>General Commercial “GC-36” Zone, “G/S1053” and “G/S1054” (Neighbourhood Shopping Centre, etc.) District</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
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</tr>
<tr>
<td>North</td>
<td>Single detached and Semi-detached Dwellings</td>
<td>“R-2” (Urban Protected Residential, One and Two Family Dwellings, etc.) District</td>
</tr>
<tr>
<td>South</td>
<td>Apartment Building and Commercial</td>
<td>Multiple Residential “RM5” Zone and General Commercial “GC-6” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Commercial</td>
<td>General Commercial “GC” Zone and “R-2” (Urban Protected Residential, One and Two Family Dwellings, etc.) District</td>
</tr>
<tr>
<td>West</td>
<td>Apartment building and Street townhouses</td>
<td>Multiple Residential “RM5” Zone and “RT-20/S-487a” (Townhouse-Maisonette) District</td>
</tr>
</tbody>
</table>

**ANALYSIS/RATIONALE:**

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement;
   
   (ii) It conforms to the Hamilton-Wentworth Official Plan;
   
   (iii) It conforms to the Official Plan for the former City of Stoney Creek and the City of Hamilton; and,
   
   (iv) The proposed form of development is considered to be compatible with the existing development in the immediate area.

2. The letters received from the adjacent residents, primarily from the senior’s buildings located at 971 Queenston Road and 99 Donn Avenue have relatively the same concerns with this proposal. The common concerns are noise, smells, traffic, loitering, garbage and liquor being served on the patio.
Noise

The proposed location for the outdoor patio is on the east side of the existing building adjacent to Donn Avenue and will not physically abut the adjacent residential use (see Appendix “C”). Any excessive noise that is generated from the outdoor patio will be dealt with on a complaint basis by the City. It is noted that the Dairy Queen located on the northeast corner of Donn Avenue and Queenston Road has an existing outdoor patio and staff are unaware of any noise complaints related to this patio since amalgamation. Further, staff has checked with the Standards and Licensing Section and were advised that the City has not received any noise complaints from the Pizza Pizza located in Dundas which has an outdoor patio which is located in very close proximity to single detached dwellings and senior’s apartment buildings, similar to this proposal.

Smells

The applicant will be required to meet all health standards to address the exhausting of fumes so as to minimize the impact on adjacent residents.

Traffic

The Traffic Engineering and Operations Section of the Public Works Department was circulated this application and advised that they had no concerns with this proposal. They did note that a pedestrian crossing is to be installed at the intersection of Donn Avenue and Queenston Road, and that works may have already been started on this crossing.

In terms of onsite parking, it is noted that the Zoning By-law requires a total of 35 parking spaces for this shopping centre. A total of 35 parking spaces are provided on site. The proposed fast food restaurant and outdoor patio would not require any additional parking spaces to be provided.

Loitering

This issue can be addressed by the City on a complaint basis and by the store manager.

Garbage

Each individual unit within the shopping plaza has internal garbage storage. Pizza Pizza will be required to place garbage containers outdoors as part of their site plan application for the outdoor patio.
Liquor on the Outdoor Patio

Staff is unaware of any Pizza Pizza operations that serve liquor. As such a liquor licence application would have to be applied for by the applicant. This is issued by the Alcohol and Gaming Commission of Ontario (AGCO) and the City would provide comments on such an application. The public is also invited to provide input on any application for a licence to AGCO.

3. It is noted that both the Stoney Creek Zoning By-law and the City of Hamilton Zoning By-law do not permit the seating capacity of the outdoor patio to exceed 50% of the indoor seating capacity. In this case, the applicant is proposing 40 seats indoors and 24 seats outdoors. The capacity of the outdoor patio will be required to be reduced to 20 seats to meet the Zoning By-law requirements.

4. The Riverdale Neighbourhood Plan, which was approved in 1968, does not permit restaurants on the northerly portion of the subject lands. The site-specific zoning for these portions of land, located in the old City of Hamilton, also does not permit restaurants. These site-specific By-laws were approved in 1988.

   The subject lands were approved to be developed as a commercial plaza in 1999 and amendments to the Stoney Creek Zoning By-law were approved in 1993, which limited the uses of the subject lands. Restaurants were not included as a permitted use.

   Staff is of the opinion that the subject lands are in an appropriate location to serve both the automobile borne traffic and pedestrian traffic along Queenston Road as envisioned by the Official Plan. The approved site plan has already taken into account issues such as buffering and screening from adjacent residential uses, and the applicant will be required to obtain the approval of an amendment to the site plan to ensure that the outdoor patio is located appropriately, and so that issues such as garbage is addressed and so that noise is minimized through the use of landscaping to buffer the outdoor patio.

**ALTERNATIVES FOR CONSIDERATION:**

Should this application not be approved, the subject lands could continue to operate as a shopping centre. The re-location of the Pizza Pizza from Fiesta Mall would have to occur on a different site.

**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 change the Zoning By-law.
PROVINCIAL POLICY STATEMENT

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of Section 1.1.3.1 as it focuses growth in settlement areas. As the nature of the application is for a change in zoning to allow for the use of a fast-food restaurant and outdoor patio area, the proposal is consistent with the policies of the Provincial Policy Statement.

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 Official Plans and based upon full municipal services, will be concentrated in the Urban Area. As the nature of the application is for a change in zoning to allow for the use of a fast-food restaurant and outdoor patio area, where full municipal services are available, the proposal conforms to the Hamilton-Wentworth Official Plan.

CITY OF STONEY CREEK OFFICIAL PLAN

The subject lands are designated “General Commercial” on Schedule “A”, General Land Use Plan and on Schedule “A5”, Secondary Plan, Olde Town Planning District in the Stoney Creek Official Plan.

The Policies applicable to this proposal are as follows:

“A.3.3.2.1 The General Commercial designation applies to certain existing and proposed areas of individually managed commercial establishments located along highways and arterial roads. General Commercial uses benefit from accessibility and visibility and thereby provide a service to both pedestrian and automobile-borne trade.

A.3.3.2.2 Lands designated General Commercial by this plan may be used for retail and service shops, offices, financial institutions, automobile sales, service and repair establishments, printing shops, restaurants, hotels, places of assembly and entertainment, commercial marinas, local institutional and community uses and uses similar and accessory to forgoing including dwelling units.”

The subject lands are appropriately located on Queenston Road, which is designated as an Arterial Road in the Official Plan, and the proposed use is envisioned by the Official Plan.
SUBJECT: Application for a Change in Zoning for Lands Known as 973-975 Queenston Road (Stoney Creek) (PED06350) (Wards 5 and 9) – Page 7 of 9

“A.3.3.2.7 In addition, development and/or redevelopment of General Commercial Uses on lands contiguous to the City of Hamilton along the north side of Queenston Road shall incorporate features such as screening, buffering and landscaping in order to minimize adverse effects on existing and proposed adjoining residential uses.”

It is noted that the City of Stoney Creek approved a site plan for the subject lands on March 10, 1999. This site plan provided adequate screening, buffering and landscaping from the adjacent residential uses located to the north and west of the subject lands. The applicant is not proposing any physical changes to the existing plaza other than façade improvements. However, since the proposed outdoor patio will alter the existing landscaping located at the intersection of Donn Avenue and Queenston Road, the applicant will be required to seek the approval of an amendment to the existing approved site plan.

Based upon the forgoing, this application conforms to the Stoney Creek Official Plan.

Olde Town Neighbourhood Plan

The subject lands are identified as “Commercial” on the Olde Town Neighbourhood Plan which was approved by Stoney Creek Council on October 22, 1996. The proposed uses conform with the Neighbourhood Plan.

City of Hamilton Official Plan

The subject lands are designated “Commercial” on Schedule “A”, Land Use Concept, of the City of Hamilton Official Plan.

The Policies applicable to this proposal are as follows:

“A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectares designated on Schedule “A” as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to residential land uses, Council will be satisfied that the following provisions are adequately met:

(i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated.”

As previously noted, the subject lands were site plan approved in 1999 and all aspects of landscaping, buffering, parking, access and, noise mitigation have already been addressed.
Based upon the foregoing, this proposal conforms to the Official Plan for the City of Hamilton.

**Riverdale East Neighbourhood Plan**

The portion of the subject lands located in the old City of Hamilton is designated as COMMERCIAL-SPECIAL PROVISIONS on the Riverdale East Neighbourhood Plan which was approved by Council in May 1968. The special provision does not permit a restaurant.

An amendment to the Riverdale East Neighbourhood Plan is required to remove the special provisions from the subject lands.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Objection**

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Forestry Section, Public Works Department.
- Open Space Development and Park Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Public Health and Community Services Department.
- Hamilton Conservation Authority.

**Public Consultation**

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application and Notice of the Public Meeting were pre-circulated to 375 property owners within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands.

It is noted that staff received 12 letters from adjacent landowners (attached as Appendix “F”) outlining concerns with this proposal. One letter in support of the application was also received. The details of the letters are addressed under 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

The public are involved in the definition and development of local solutions.
Environmental Well-Being is enhanced. ☑ Yes ☐ No
Existing services will be used as part of this development proposal.

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

:PAM
Attachments. (6)
Appendix “A” to Report PED06350
Page 1 of 1

Location Map

File Name/Number: ZAR-06-48  Date: June 14, 2006
Appendix “A”  Scale: N.T.S.  Planner/Technician: PM/LM

Subject Property
973 - 975 Queenston Road

Ward 5 Keymap  N.T.S
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92, as amended by By-law No. 3881-93 (Stoney Creek) and Zoning By-law No. 6593, as amended by By-law No. 88-19 and 88-20 (Hamilton)
Respecting Lands located at 973-975 Queenston Road

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 Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July, 1950, and approved by the Ontario Municipal Board on 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. 3692-92 (Stoney Creek) and, Zoning by-law No. 6593, 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 and City of Hamilton);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Subsection 8.3.8, "Special Exemptions" of Section 8.3, General Commercial "GC" Zone, of Zoning By-law No. 3692-92, be amended by adding the words “a fast food restaurant and outdoor patio” to the first paragraph of Special Exemption “GC-36”.

2. That the “G/S-1053” and “G/S-1054” (Neighbourhood Shopping Centre, etc.) Districts be amended by deleting paragraph 2(i) 1 of By-law No. 88-19 and paragraph 2 (a) (i) 1 of By-law No. 88-20.

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

ZAR-06-48
Schedule “A”

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

to Amend By-law No. 3692-92

Subject Property
973-975 Queenston Road, Hamilton

Block 1 - Further modification to the General Commercial "GC-36" Zone (Zoning By-law # 3692-92)

Block 2 - Further modification to the "G/S-1053" (Neighbourhood Shopping Centre, etc.) District (By-law # 6593)

Block 3 - Further modification to the "G/S-1054" (Neighbourhood Shopping Centre, etc.) District (By-law # 6593)
June 29, 2006

City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division
Development Planning – East Section
City Hall, 71 Main Street West
Hamilton, Ontario, L8P 4Y5

Attention: Paul Moore, Senior Planner

Subject: File ZAR-06-48 re: 973-975 Queenston Road

Dear Sir:

I am writing on behalf of the Board of Directors of Stoney Creek Non-Profit Housing Corporation and our tenants at 971 Queenston Road. We are concerned about the application to amend the zoning of the property at 973-975 Queenston Road for the purpose of allowing a fast food restaurant and outdoor patio for a Pizza Pizza in the southerly unit of the existing commercial plaza.

The residents at 971 Queenston Road whose units front onto Queenston Road at the east end of our building have complained to us in the past about the noise and debris that comes from users of the commercial plaza. Our on-site custodian has also complained about the amount of garbage that he has to pick up that is thrown onto the property from individuals who patronize the variety store in the plaza. Youth frequently hang out in the open area at the south end of the plaza after closing and tenants in the corner units of our building can hear them talking, sometimes with abusive language.

The residents of 971 Queenston Road, and we as owners, are concerned about noise from users of an outdoor patio, from debris being left on the site and on our property by patrons of the Pizza Pizza and by the likelihood of more youth hanging out in that area. Some tenants are also concerned about the smell of fast food. We are opposed to any liquor license being issued for any establishment in the plaza. We wish the staff report to address these concerns to our satisfaction.

Sincerely yours,

Carl Henderson
General Manager
Moore, Paul A

From: DAVE BURNS
Sent: Wednesday, June 28, 2006 10:49 AM
To: Moore, Paul A
Subject: Re: File No.-06-48

Dear Sir,

In regards to the File Number ZAR-06-48. I have a few concerns about the rezoning permit.
Some of my concerns are as follows;
1. Parking - not enough space for restaurant
2. Garbage disposal--they have no were for a dumpster.
3. Littering of garbage outside the store.
4. Noise pollution from outside patio, and exhaust fans.
5. I do not think they have any space for an outside patio.
6. Littering young people honing around makes other people, seniors nervous about going out.

Hopefully some of these concerns will be considered before any decision has been made about the restaurant.

Yours truly, Dave Burns.

6/28/2006
I have many concerns with this application.
1. Garbage - where will the dumpster be? There is very little room in the alley! And the smell & rodents!!
2. Patio - this is to me a back door to a liquor license! And where will it go? On the front lawn? Or taking up precious parking spaces? There was a car accident last week, and a portable sign was driven almost into the building.
3. Noise - This is a very busy intersection now, without the added traffic of a bar/restaurant. And hours - open until when? 2am, 3am?? And this will become a hangout for young punks. Need I say more. I won't visit there with thugs loitering outside!!
4. Traffic & Parking - need I say more! VERY busy intersection, and limited parking as it is.
5. Smell of cooking - very close to apt building, and who wants to smell pizza all day and all night.

In short this applicant had better find a new location better suited to a restaurant.

Regards, Cal Sullivan, 971 Queenston Rd.

---

Do You Yahoo?  
Tired of spam?  Yahoo! Mail has the best spam protection around  
http://mail.yahoo.com
Moore, Paul A

From: Mary Moore [ ]
Sent: Wednesday, June 28, 2006 5:32 PM
To: Moore, Paul A
Subject: Re File: Zar-06-46

Dear Sir,

I would like to add my objection to allowing a Pizza restaurant across the street from my Condo.

I submit the following reasons for being opposed.
1. It will increase the traffic at an already dangerous corner. [Queenston Rd. and Donn Ave.]
2. The patio will attract late night customers whose noise will be disruptive.
3. It will also attract unwanted animals.

Those are my 3 main objections. Please reconsider changing the Zoning By-law.

Thank you for your consideration.
Mary Moore,
406-99 Donn Ave,
Stoney Creek Ont. L8G 5B2

6/29/2006
June 29th, 2006

Dear Paul Moore, Senior Planner:

Hamilton Planning and Development Department:

[re: file No. ZAR-06-48 ~ Pizza Pizza Restaurant Application]

I see that the usual suspects in my apartment building have started raising the usual stink about something. This time Pizza Pizza's application to re-zone for a restaurant and patio next to our apartment building. Since it is to locate in the strip mall directly on the corner opposite an existing restaurant facility, Dairy Queen, without-side seating. I can not see how they could possibly voice a pre-emptive complaint. I have read the plans I received and particularly noticed that garden landscaping is included. Dairy Queens could use some landscaping itself.

However, my apartment unit is on the ground floor beside my buildings entrance and as such is one of the apartment units nearer to the proposed restaurant AND I HAVE NO OBJECTION

My health unfortunately is such that I can not easily round up a counter petition in favour, but I am sure if you would poll the building you would find most people would have no objection.

What difference could it possibly make more than the existing Dairy Queen's business traffic?? Negligible; and,

- it might just help the city to decide to place a stoplight on the corner of Donn Avenue moving it east from it's present position at Fortino's Fiesta Mall entrance WHEN Fortino's goes ahead with it's plans to rebuild into a super store negating that stoplight necessity. [Since the last traffic study there new housing has been built and students use crossing guards there and a number of accident occur there, and a lot of wheelchair bound living in our building and that area have need of a light there with the dramatically increased traffic now turning there].
- There are a number of disabled and elderly people in my

6/30/2006
building who could benefit greatly from a little restaurant and patio so close to hand to partake of a coffee or snack and beverage of a summer's day or evening etc.

- Pizza Pizza already has a fair amount of existing customers in this building. If we give our custom, I can't see how we could possibly complain of their location as proposed.
- We have a strip mall there now;
- we have a Dairy Queen with a dining room and outside tables across the street from the proposed new Pizza Pizza location,
- we have a medical building across from that with a pharmacy in it, AND
- we have the larger Fiesta Mall with a Pizza Pizza take out outlet already existing that has raised no objections. I have trouble sleeping with pain and often go out to sit and read in my car along the strip malls while my dog sniffs about, and I have never seen any teens or groups of noisy people hanging around THAT Pizza Pizza and doubt any would here either, not to mention
- Fortinos is in process of becoming a rebuilt Super Store so that would be far more noise disruptive than any remodelling done to the unit to accommodate Pizza Pizza.
- Next to the Dairy Queen we already have retail business galore:
  o a Bank,
  o a lumber yard,
  o a bowling alley,
  o a veterinarians,
  o a Kentucky Fried Chicken,
  o a large Beer Store outlet, and
  o multiple assorted strip malls in-between.
- In the other direction from 971 Queenston Road there are
  o more strip malls and
  o two night club hotels.
- We are surrounded by retail enterprises. I am frankly amazed that the place in question isn't already zone for a restaurant.

Please do not stop Pizza Pizza's application for a few petition gathering busy-bodies.

I have Multiple Sclerosis and it's location there would make my life just a little easier and simpler, and even enhance it to a degree. I often get nearly housebound and that location would offer me a viable place to easily access for a meal out.

Besides anything that stops the revolving between four to six portable
signs that rotate in and out of there as well as this buildings multiple pet owner's dog crap deposited there presently is an improvement to my eyes, and nose!!

I wish to hereby give notice of my full support for Pizza Pizza. I look forward to using their patio area!!

Carl Ecker
101- 971 Queenston Road
Stony Creek, L8G 5G3

~ RCE
Moore, Paul A

From: Mary Anne Olson
Sent: Thursday, June 29, 2006 5:15 PM
To: Moore, Paul A
Subject: ZAR-06-48 (Pizza Pizza)

June 29th, 2006

109-971 Queenston Road
Stoney Creek, Ontario
L8G 5G3

Paul Moore, Senior Planner
Planning and Economic Development Department
City of Hamilton
City Hall, 71 Main Street West, 6th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Moore

Re: File ZAR-06-48 - (Pizza Pizza)

Regarding the above file, I have several concerns about the proposed restaurant and outdoor patio.

This type of fast food establishment is a magnet for young people resulting in unnecessary noise particularly with an outdoor patio and it will become a hangout. The hours of operation of this facility will result in noise at all hours and my bedroom window and others on first floor of this apartment building facing east is 57 feet from the rear of the plaza.

I have concerns about the exhaust fumes, and believe me smelling pizza at anytime of the day or night is offensive. Both the bedroom and living room windows will have the fumes wafting in and quite frankly, I don’t want to smell it all the time, in fact, I don’t want to smell it at all.

Garbage is another concern because most fast food establishments create a lot of disposable garbage that blows around and will end up on the apartment building property. We have enough garbage now created by Dairy Queen and the Hasty Mart located in the plaza. Young people hang out around the plaza and between the rear of the building and the fence line, they are loud and their language is offensive.

Traffic and parking are also a concern. Queenston and Donn is a busy intersection with no controls at this time. Accidents have happened, the most recent resulted in a vehicle ending up approximately 2-3 feet from the front windows of the vacant store now there. There aren’t enough parking spaces available if there is a restaurant, people will park anywhere including the boulevard between the sidewalk and roadway that has been blacktopped (because they will only be a minute picking up a pizza).

6/30/2006
I do not relish having loud noise at all hours of the night disturbing my sleep and I strongly believe that I am entitled to undisturbed sleep and with a restaurant and patio there will be not peace and quiet. Noise also carries more at night. This proposed restaurant and outdoor patio will have a major impact and my health and well being.

Pizza Pizza may very well identified this particular location for the restaurant, but I have identified Pizza Pizza as a commercial neighbour I do not want.

Please give my concerns serious consideration because they are valid concerns. I don’t feel it is up to any of the residents in this building or the surrounding area to call the police about noisy patrons nor should we have to call the by-law department because people park wherever they please.

Yours truly,

Mary Anne Olsen (Mrs.)

6/30/2006
Moore, Paul A

From: Agnese De Fazio
Sent: Friday, June 30, 2006 11:52 AM
To: Moore, Paul A
Cc: Bruckler, Phil; Pearson, Maria
Subject: your file: ZAR-06-48 (973-975 Queenston Rd.)

Importance: High

RE: FILE ZAR-06-48

Hi Paul,

We are concerned with the application for re-zoning to allow a fast-food restaurant and outdoor patio at 973-975 Queenston Road.

My mother is a resident in the building across the street (i.e. Fiorentino Place, 99 Donn Ave.), and as the City of Hamilton has been made aware in the past, many senior citizens reside in this neighbourhood. There are concerns for excessive traffic and noise at this particular location. There have been many requests for traffic signalization at the corner of Donn Avenue and Hwy. 8. So far, the traffic signals have not been installed.

As it stands now, the seniors who reside in the two buildings across the street, cross Hwy. 8 to get to the bus stop directly in front of the plaza in which Pizza Pizza is applying for re-zoning. This is obviously a dangerous situation. We do not need to add to the traffic problem by adding another fast-food restaurant at this location. There is already a Dairy Queen on the north-east corner of Hwy. 8 and Donn Avenue which causes much of the traffic congestion with vehicles trying to turn left into the parking lot.

There is also a crossing guard for school children at this location. Surely this would raise some serious concerns for the safety of the children crossing Hwy. 8 as well.

Besides the traffic concerns, we also have concerns for noise pollution and loitering around this restaurant’s proposed outdoor patio, especially in the late evening hours. The Site Plan which was attached to your letter does not show the exact location/orientation of their proposed outdoor patio. I am to assume that it will be within the landscape strip along Hwy. 8? If it’s not going to be located within the landscape strip, then are they intending on removing some of their required parking spaces in order to accommodate it? If possible, please email me a copy of their actual Site Plan so that I can understand their intentions.

The plaza should remain within its intended zoning and occupancy. The plaza owners should try to obtain tenants within those zoning requirements just like everyone else does.

Regars,

Agnese De Fazio

Home tel: 905-643-6462

6/30/2006
June 27, 2006

971 Queenston Road
Stoney Creek, Ontario
L8G 5G3

Paul Moore, Senior Planner
City of Hamilton
Planning and Economic Development Department
City Hall, 71 Main Street West, 6th Floor
Hamilton, Ontario
L8P 4Y5

Dear Sir,

Re: File No: ZAR-06-48

Regarding the above mentioned file which involves rezoning in order to permit a Pizza Pizza fast food restaurant with an outdoor patio.

I wish to voice my objections for the following reasons:

1. Noise resulting from an outdoor patio
2. Exhaust fumes from the interior pizza ovens of the restaurant
3. Traffic concerns because of a busy intersection
4. Parking concerns
5. Garbage resulting from Pizza Pizza both indoor and outdoor
6. Noise resulting from hours of operation

This type of fast food restaurant is a draw for young people from the high school in the area which causes loitering and noise. There would be odours from the restaurant even with filters installed on their exhaust system.

Traffic is a major concern with Queenston and Donn being a busy intersection with no controls at the present time, and there have been enough accidents at that intersection including one last week where a vehicle ended up within 2-3 feet of the windows of the proposed restaurant.
Being a fast food restaurant there will be drink containers, pizza boxes and single slice containers and this will blow around and end up on other peoples’ property.

An outdoor patio it is an open invitation for young people to sit around and where there is a group of young people, you have hollering, etc. And just where is this proposed outdoor patio going to be situated since we have seen no proposed plans?

Please give my concerns serious consideration before any decision is made regarding this fast food establishment. I live in close proximity to the proposed restaurant and I expect to have peaceful and quiet enjoyment of my home.

Yours truly,

[Signature]

[Address]

[City, State, Zip Code]
June 27, 2006
971 Queenston Road
Stoney Creek, Ontario
L8G 5G3

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Yours truly,

[Signature]

Joan Shebdal
June 27, 2006
971 Queenston Road
Stoney Creek, Ontario
L8G 5G3

Paul Moore, Senior Planner
City of Hamilton
Planning and Economic Development Department
City Hall, 71 Main Street West, 6th Floor
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[Signature]

Apt. 411
June 27, 2006

971 Queenston Road
Stoney Creek, Ontario
L8G 5G3

Paul Moore, Senior Planner
City of Hamilton
Planning and Economic Development Department
City Hall, 71 Main Street West, 6th Floor
Hamilton, Ontario
L8P 4Y5

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Yours truly,

Jody [signature]
Apt 314.
Dear Sir,

In response to your notice that there is an application to amend the zoning by-law to allow Fuzzy Pizza to have a fast food restaurant in an automotive shop, I am opposed to the amendment for the following reasons:

The new business will be a source of irritation to surrounding neighborhood businesses, and as a result, decrease their income. There are several reasons that are obvious that would not make this area appropriate for such a business.

The increased and increased traffic to be seen in the area is also a major concern. The area will cause traffic jams, and the increased traffic is not feasible.

This concern that our condominium is located on a busy street in the city, and you have not made any request for us that you would even consider this proposal. We do not want this allowed for obvious reasons. The noise and traffic will be an immediate cause for concern. We certainly hope this request be turned down immediately.

This is common sense and we think the right mental would think this was a good planning on your part. Do you really think along with all the trouble this city has, you should add this to the mess?

Please reconsider as soon as quickly.

We are whole heartedly against this proposal.

Thank you.

Yours truly,

[Signature]

[Address]

June 28, 2006
June 25, 2006

Mr. Paul Moore, MCIP RPP, Senior Planner
City of Hamilton – Planning and Economic Development Department
City Hall, 71 Main Street West, 6th Floor
Hamilton, On., L8P 4Y5

Re: Preliminary Circulation of an Application to: Parts 1 and 2, in order to permit a fast food restaurant and outdoor patio (Pizza Pizza)

As per your file: ZAR-06-48 “any written comments received by the Department prior to June 30, 2006 will be considered in the preparation of our staff”

I would like to put forward my concerns in reference to the application for re-zoning of said property.

LACK OF PARKING, this is a small strip mall with limited parking space

UNSUITABLE AREA, as per our telephone conversation Mr. Moore, you stated that in previous documents there was no information, nor was there any reference to restaurant, or not. I am confused, if there was “no reference” why then is a re-zoning required now. Re-zoning from what? Having attended several council meetings, from what I have observed, first an application is to have a restaurant, then after some time an application for an outdoor patio. This application is asking for both at once. I question why the re-zoning AND the patio are part of the same application process. I realize that there is an existing Pizza Pizza within a short distance, but moving to this location is an entirely different matter.

TRAFFIC, in that this area is already a busy congested roadway/intersection especially with children crossing to/from school, so busy that two crossing guards are necessary to facilitate safety; increased traffic could possibly cause a dangerous situation. Fast food restaurants seem to generate more vehicle traffic. Just this past Wednesday there was yet another serious accident at this site.

Some of these issues could or could not be resolved by the proponents, but my major concerns are the noise level and increased traffic.

This location of 973 and 975 Queenston is immediately across from 99 Donn Ave, a building which I would guess is home to residents of which 98% would be seniors.

It is immediately across from 966 Queenston Road, a residence which I would guess is home to mostly seniors.

It is immediately next door to a residence operated by Victoria Homes for physically challenged.

You have in this immediate vicinity 210 - 250 residents who would be negatively affected.

Aside from this business being a fast food restaurant, this type of business in itself due to its hours of operation, between voices, increased traffic, and even more so with the request of an outdoor patio, the noise level in this area would certainly be accelerated. From past experience it would seem that after being approved for outdoor patio the next logical step is to request a liquor license, which would further escalate the noise level.

Cont’d to page 2
I would like to point out that it is a city block between Lake Ave and Grays Road, and between Donn Ave and Grays Road could be considered a half block. In this distance of ½ block, there are a Dairy Queen, Kentucky Fried Chicken, Pizza 662-2210, Mr. Sub, Tim Hortons, Pizza Pizza, Boilier, Star Pizza, and at the stone throw past Grays Road, there is a Salute, Gino's Pizza, Little Caesar’s Pizza. Basically, within an approximately block length there are 12 restaurants and/or fast food outlets, including 5 of which are Pizza establishments. In that this existing Pizza Pizza’s application is intending to relocate to this new address, I would then question why they chose to do so and not request an outdoor patio at its present location.

Fast food restaurants, for the most part, are take out restaurants which encourage not just increased traffic but stop and go traffic increasing pollution.

I object to re-zoning this particular location/address to accommodate a fast food restaurant in that it has such immediate proximity to this large number of residents, which will negatively affect our enjoyment of our homes, due to my major concerns that is by increased noise level along with increased traffic by-virtue of the type of business.

I wish to be recorded as “opposed” to this re-zoning application for reasons as I have stated above and ask that City staff involved in this application not approve the proponents re-zoning permit.

Thank you

V. Sutherland

ps: I have other concerns.

Has this application been before the Planning Committee?

In this re-zoning application – in that although your notification is dated June 15, which would guess is the required length of notice time for written submissions due June 16, this document was received on June 23, not leaving a large window of opportunity to respond.

After having spoken with Mr. Moore, it was indicated to me that he has no objections to this application and in fact supports it (subject to some other studies) and that this proposed project is acceptable. If decisions have already been made, is my written submission an exercise in futility.

I believe the councillor for this ward is Mr. Phil Bruckler.

cc:
Senior Planner City of Hamilton, Paul Moore
Councillor Maria Pearson
Councillor Phil Bruckler
Director of Development and Real Estate Tim McCabe
Manager Development Planning P. Mallard