SUBJECT: Application for a Modification in Zoning for the Property Located at 640 Queenston Road (Hamilton) (PED05168) (Ward 5)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-05-83, First Capital (Stoney Creek) Corporation, owner, for a modification to the “G1” (Designed Shopping Centre) District, to permit an animal hospital/veterinarian practice, for the property located at 640 Queenston Road (Hamilton), as shown on Appendix “A” to Report PED05168, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED05168, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(b) That the amending By-law be added to Section 13A of Zoning By-law No. 6593 as Schedule S-1537, and that the subject lands on Zoning District Map E-95 be noted as S-1537.

(c) That the proposed modification in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

EXECUTIVE SUMMARY:

The purpose of this application is for a modification in zoning to permit an animal hospital/veterinarian practice with no outside runs, on the property located at 640 Queenston Road (see Appendix ‘A’).
The proposed modification in zoning has merit and can be supported as it conforms to the “Urban” designation of the Hamilton-Wentworth Official Plan and the “Commercial” designation of the City of Hamilton Official Plan. The proposal does not create adverse impacts to adjacent property owners, and is compatible with the surrounding commercial uses.

**BACKGROUND:**

**Proposal**

First Capital (Stoney Creek) Corporation has applied for a modification to the existing “G1” (Designed Shopping Centre) District to permit an animal hospital/veterinarian practice on the property located at 640 Queenston Road (See Appendix ‘A’). The proposed use will be contained wholly within the existing shopping centre, and no outside runs permitted.

**Location:** 640 Queenston Road

**Owners/Applicant:** First Capital (Stoney Creek) Corporation

**Property Description:**
- Width: 250.0 metres
- Depth: 143.0 metres
- Area: 4.6 hectares

**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>
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<tbody>
<tr>
<td>Commercial Plaza</td>
<td>“G-1” (Designed Shopping Centre) District</td>
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<tr>
<th>Surrounding Land Uses</th>
<th>Existing Land Use</th>
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<tr>
<td>North</td>
<td>Multiple Residential and Commercial</td>
<td>“E-2” (Multiple Dwellings) and “HH” (Restricted Commercial) District</td>
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<tr>
<td>South</td>
<td>Multiple Residential</td>
<td>“DE” (Low Density Multiple Dwellings) District</td>
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<tr>
<td>East</td>
<td>Commercial</td>
<td>“G-1” (Designed Shopping Centre) District</td>
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<tr>
<td>West</td>
<td>Multiple Residential</td>
<td>“E-2” (Multiple Dwellings) District</td>
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ANALYSIS/RATIONALE:

1. The purpose of the Zoning Amendment Application is to modify the current “G-1” (Designed Shopping Centre) District to permit an animal hospital/veterinarian clinic with no outside runs. The proposal has merit and can be supported for the following reasons:

   (i) It conforms with the “Urban” designation of the Hamilton-Wentworth Official Plan.

   (ii) It conforms with the “Commercial” designation of the City of Hamilton Official Plan.

   (iii) It is consistent with existing commercial uses in the area, and the proposed use is as compatible as all other uses permitted as-of-right under the existing “G-1” (Designed Shopping Centre) District, including a pet shop.

2. In response to pre-circulation of the proposed rezoning, three phone calls have been received, in addition to one letter of concern (see Appendix ‘C’) regarding clarification of the proposed use and impacts, and comments with respect to the existing exits and entrances to the site. It is noted by staff that the submitted plan does not reflect the current site layout, as the driveway is not shown (see Appendix ‘D’). The applicant has advised that the site layout will remain unchanged. The subject application is proposing to add the use to an existing shopping centre. As such, this proposed use will be contained wholly within an existing commercial unit, resulting in no exterior changes to the building or the site layout. The proposed animal hospital/veterinarian clinic will have no outside runs. If any changes to the site design were proposed, such as driveway locations or the reconfiguration of parking areas, a Site Plan Amendment Application would be required.

3. There are full municipal services available on this site.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed zoning be denied, the uses permitted on the subject lands shall be in accordance with the “G-1” (Designed Shopping Centre) District.

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 Provincial Policy Statement (PPS) provides direction of provincial interest related to land use planning and development. This application has been reviewed with respect to the Provincial Policy Statement, and is consistent with the principles and policies of that Statement.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban” in the Hamilton-Wentworth Official Plan. Policy 3.1 of the Plan 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.

Therefore, as the nature of the application is for the modification to the existing Zoning By-law to facilitate the use of the site for an animal hospital/veterinarian practice, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Commercial” on Schedule ‘A’, Land Use Concept Plan, in the Official Plan for the City of Hamilton. As such, Policy A.2.2.1 states:

“A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule ‘A’ 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.”

The “Commercial” designation permits a variety of uses. The proposed use of an animal hospital/veterinarian practice is consistent with the commercial uses contemplated within the “Commercial” designation of the Official Plan for the City of Hamilton.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Operations and Maintenance Division)
- Corporate Services Department (Budgets, Taxation and Policy Division)
Public Consultation

In accordance with the Public Participation Policy that was adopted by Council on May 29, 2003, the application was circulated to 1,027 residents within 120 metres of the subject property. Staff received three phone calls requesting clarification of the proposed use, in addition to one letter which comments have been 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
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
There is an option available for Public Transit as the use is proposed on a major arterial road with a scheduled route. As such, the promotion of Public Transit is available for future employees as well as customers to the animal hospital/veterinarian clinic.

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

:SM
Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Property Located at 640 Queenston Road

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 City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 05- of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2005, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-95 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

   (a) by changing from “G-1” (Designed Shopping Centre) District to “G-1/S-1537” (Designed Shopping Centre) District, Modified, the lands the extent
2. That the “G-1” (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special provision:

   a) That notwithstanding Section 13A (1), an animal hospital/veterinarian practice with no outdoor runs shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “G-1” (Designed Shopping Centre) District, Modified provisions, subject to the special requirements referred to in Section 2.

4. Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1537.

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

PASSED and ENACTED this day of , 2005.

MAYOR

CLERK

ZAR-05-83
Subject Property
640 Queenston Road

- Change in Zoning from “G-1” (Designed Shopping Centre) District to “G-1/S-1537” (Designed Shopping Centre) District, Modified

Schedule "A"
Map Forming Part of By-Law No. 05-
to Amend By-Law No. 3692-92

Planning and Economic Development Department
Hamilton

Scale: Not to Scale
Date: October 2005
File Name/Number: ZAR-05-83
Planner/Technician: SM/MZ

T&C File Name: N:\1\T&cZoning_By-Law.Schedule A\05\6October\ZAR-05-83.txt
To. Shannah Murry

Regarding Zoning Amendment ZAR-05-83
680 Queenston RD S.C.

Just one question, according to map, at Nash Rd. I hope the entrance and exit (which now exists) is not going to be closed off for a couple extra parking spaces, as not many park there now.

It is more convenient to get on to Nash Rd. From that approach.

I have marked on the map where it is now.

Sincerely,

Mrs. Kathleen Page
1 Empire Court
Amaron #81614H4

Kathleen Page