SUBJECT: Application for a Change in Zoning for the Property Located at 1600 Rymal Road East (Hamilton) (PED06140) (Ward 6)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-06-12, by 1677127 Ontario Inc. (c/o Anthony J. Lombardi), owner, for a change in zoning from the “AA” (Agricultural) District to the “M-11/S-1550” (Prestige Industrial) District, Modified, to permit a chiropractic clinic on the property located at 1600 Rymal Road East (Hamilton), as shown on Appendix “A” to Report PED06140, on the following basis:

(a) That the attached draft By-law, included as Appendix “B” to Report PED06140, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the following condition has been satisfied:

(i) That the owner/applicant shall conduct an archaeological assessment of the portion of the subject lands subject to the change in zoning, and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Development and Real Estate, and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1550, and that the subject lands on Zoning District Map W-79e be noted as S-1550.
(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 change in zoning in order to permit a chiropractic clinic within the existing single detached dwelling, and an associated parking area on the front portion of the property located at 1600 Rymal Road East (see Appendices “C” and “D”). The application has merit and can be supported as it implements the “Business Parks” designation of the Hamilton-Wentworth Official Plan, the “Commercial” designation in the City of Hamilton Official Plan, and the “Restricted Commercial (M-11)” designation of the East Mountain – Industrial Business Park Neighbourhood Plan.

**BACKGROUND:**

**Proposal**

The application is for a change in zoning from the “AA” (Agricultural) District to the “M-11/S-1550” (Prestige Industrial) District, Modified, to permit a chiropractic clinic within the existing single detached dwelling at the front of the property located at 1600 Rymal Road East. The rear portion of the property would continue to be zoned “AA” (Agricultural) District.

**Location:** 1600 Rymal Road East (Hamilton)

**Owner:** 1677127 Ontario Inc. (c/o Anthony Lombardi)

**Applicant:** Mario Lombardi

**Property Description:**

- **Frontage:** 51m  
- **Depth:** 335m (east property line)  
- **Lot Area:** 17,935m²

**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>North</td>
<td>Vacant land</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td>South</td>
<td>Single detached dwelling</td>
<td>“A” (Conservation, Open Space, Park and Recreation) District</td>
</tr>
<tr>
<td>East</td>
<td>Single detached dwelling</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td>West</td>
<td>Vacant land and hydro corridor</td>
<td>“AA” (Agricultural) District and “M-14” (Prestige Industrial) 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.
   (ii) It conforms with and implements the “Urban Area – Business Parks” designation of the Hamilton-Wentworth Official Plan.
   (iii) It conforms with and implements the “Commercial” designation of the City of Hamilton Official Plan.
   (iv) It conforms with and implements the “Restricted Commercial (M-11)” designation of the East Mountain Industrial - Business Park Neighbourhood Plan.

2. The applicant proposes to convert the existing single detached dwelling on the property located at 1600 Rymal Road East to a chiropractic clinic (see Appendices “C” and “D”). The proposed “M-11” (Prestige Industrial) District would permit this use as well as a number of other commercial and light industrial uses. No external changes to the dwelling are proposed in order to convert the dwelling to the medical use. An existing driveway along the east property line is required to be widened to 6m to accommodate two-way traffic, and relocated slightly to the west in order to provide a minimum 3m setback from the residential property to the east. The applicant proposes to construct a parking area containing fourteen parking spaces on the west side of the existing building.
3. Approximately 1/3 of the front of the subject property is designated “Commercial” in the City of Hamilton Official Plan and “Restricted Commercial (M-11)” in the East Mountain Industrial - Business Park Neighbourhood Plan. The rear two-thirds of the property are designated “Industrial” in the City of Hamilton Official Plan and “Restricted Industrial (M-14 & M-15)” in the East Mountain Industrial - Business Park Neighbourhood Plan. The applicant proposes to rezone the front portion of the property to the “M-11” (Prestige Industrial) District, in order to implement both the “Commercial” and “Restricted Commercial (M-11)” designations. No development is proposed on the rear portion of the property and, as such, no change in zoning is proposed for this portion of land. At such time that a future road connecting Glover Road with Trinity Church Road is constructed at the rear of the subject property, then the rear portion of the lands could be developed for their future intended industrial uses.

4. The proposed conversion of the existing single detached dwelling for a medical clinic primarily conforms to the Zoning By-law. Minimum lot area, parking, manoeuvring, landscaped area abutting a street, setbacks to the front, west, and rear lot lines, and frontage all conform to the proposed “M-11” (Prestige Industrial) District. However, through the review of the proposed zoning amendment, three zoning non-conformities were identified based on site sketches submitted by the applicant (see Appendices “C” and “D”). These non-conformities include:

Easterly Side Yard Setback

The existing single detached dwelling on the property provides a 4.21m easterly side yard setback whereas 5.1m is required (10% of the lot width to a maximum width of 6.0m) within the proposed “M-11” (Prestige Industrial) District. The non-conforming side yard is an existing situation and, therefore, a zoning modification to permit a reduced side yard is minor in nature and can be supported. However, the modification should be limited to the building existing at the time of the passage of the by-law as any new commercial or industrial building should meet the required setbacks.

Location of Access Driveways from Residential Districts

The subject lands abut a property to the east that is zoned “AA” (Agricultural) District and contains a single detached dwelling. While the property is designated for future commercial and industrial uses, the continued use of the property for the existing residential use is permitted. A minimum 3.0m setback from the easterly property line is required for any driveway abutting a residential district. As the existing residential use on the property to the east could continue indefinitely, the required 3.0m setback should be provided and no modification in zoning is warranted. The final location of the relocated and upgraded driveway will be determined at the site plan control stage of development.
Landscaping and Fencing Where Parking Areas Abut Residential Districts

As noted above, the subject lands abut the “AA” District to the east, a portion of the westerly property is also zoned “AA” District, and the property to the rear is zoned “A” District. As such, planting strips and visual barriers are required along the southerly and westerly property lines where the parking area is located. However, the proposed parking area will be located approximately 200m from the rear property line. It would not be appropriate to require a visual barrier or planting strip at the rear of the property. In addition, the property to the west is vacant and is primarily zoned “M-14” (Prestige Industrial) District. As no residential use is permitted on this property, it would not be necessary to require a visual barrier or planting strip along the westerly property line.

5. The change in occupancy from a residential use to a commercial use will require a building permit. Prior to the issuance of this permit a site plan application will be required. All issues pertaining to the final design and location of the entrance driveway, parking layout, grading and drainage of the parking area, landscaping, road widening dedication, and connection to municipal sewers, will be reviewed through the submission of the required site plan application.

**ALTERNATIVES FOR CONSIDERATION:**

Should the application be denied, the lands can only be utilized for uses permitted within the “AA” (Agricultural) District, including the existing single detached dwelling and agricultural uses. The lands could not be redeveloped for the intended commercial and industrial uses in accordance with the Hamilton Wentworth Official Plan, City of Hamilton Official Plan, and the East Mountain Industrial - Business Park Neighbourhood Plan.

**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 policy direction of provincial interest related to land use planning and development. Policy 1.3 provides that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment. As such, the proposal is consistent with the Provincial Policy Statement.
However, Policy 2.6.2 of the Provincial Policy Statement (PPS) outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site will be permitted. Therefore, clearance of an archaeological assessment from the Director of Development and Real Estate, and the Ministry of Culture is required prior to enactment of the By-law Amendment.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban Area – Business Parks” in the Hamilton-Wentworth Official Plan. Policy 3.1.3.2 outlines that commercial uses and professional offices are permitted within this designation along major roads or in designated commercial nodes within the business park. As the portion of the property subject to the change in zoning is designated “Commercial” in the City of Hamilton Official Plan and is located along a major road (Rymal Road East), the proposal conforms to the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The front portion of the subject property that is subject to the proposed change in zoning is designated “Commercial”, and the rear portion of the subject property is designated “Industrial” in the City of Hamilton Official Plan. The proposed change in zoning to permit a chiropractic clinic conforms with and implements the “Commercial” designation.

**Neighbourhood Plan**

The front portion of the subject property that is subject to the proposed change in zoning is designated “Restricted Commercial (M-11)”, and the rear portion of the subject property is designated “Restricted Industrial (M-14 & M-15)” in the approved East Mountain Industrial – Business Park Neighbourhood Plan. The proposed change in zoning in order to permit a chiropractic clinic conforms with and implements the “Restricted Commercial (M-11)” designation.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Hydro One Networks Incorporated.

Public Works Department (Forestry and Horticulture Section) has advised that there is a Municipal Forestry concern as there is a 170mm d.b.h. Locust within the road allowance on the Rymal Road side of the development. A tree management plan will be required as part of a Site Plan Control Application.
Public Works Department (Traffic Engineering and Operations Section) has advised an access permit is required for any new or change to the access; that the access must not encroach onto 1610 Rymal Road East; that the access should provide a 7m width at the road allowance limit and that on private property the width can reduce to 6m; and, that any access platform should have a maximum 3% lower grade within the road allowance and a maximum 5% lower grade for the first 7.5m on private property. These items will be addressed through the review of a site plan control application.

Hamilton Conservation Authority has advised that a watercourse traverses the property to the south of the proposed redevelopment and that the proposed parking area does not appear to be located within any conservation setbacks or regulated areas. A detailed review of drainage will occur through the review of a site plan control application.

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to 38 property owners within 120 metres of the subject property. In addition, a Public Notice sign was erected on the property in March, 2006. To date, no comments have been received as a result of the circulation of the application and public notice sign.

### 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.

- **Environmental Well-Being is enhanced.** ☑ Yes ☐ No
  The proposed development is subject to Site Plan Control and all issues pertaining to environmental protection and protection of water resources will be addressed through the Site Plan process.

- **Economic Well-Being is enhanced.** ☑ Yes ☐ No
  The proposed development will contribute to the Economic Development of the City of Hamilton and provide additional employment opportunities.

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. (4)
Subject Property
1600 Rymal Road East, Hamilton

Change in Zoning from the "AA" (Agricultural) District to the "M-11" (Prestige Industrial) District, Modified
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton),
Respecting 1600 Rymal Road East

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-79e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
(a) by changing the zoning from the “AA” (Agricultural) District to the “M-11/S-1550” (Prestige Industrial) District, Modified,

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “M-11” (Prestige Industrial) District provisions, as contained in Section 17C of Zoning By-law No. 6593, be modified to include the following special requirements:

(a) that notwithstanding Subsection 17C.(2)(b)(1.)(ii) of Zoning By-law No. 6593, a minimum easterly side yard of 4.0m shall be provided and maintained for the building existing at the time of the passing of the by-law; and,

(b) that Subsections 18(A)(11), 18(A)(12), and 18(A)(24)(b)(iv) of Zoning By-law No. 6593 shall not apply.

3. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1550.

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 "M-11" (Prestige Industrial) 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-06-12
This is Schedule “A” to By-Law No. 06—

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

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Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

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

to Amend By-law No. 6593

Subject Property
1600 Rymal Road East, Hamilton

Change in Zoning from the Agricultural “AA” District to the Prestige Industrial “M11/S-1550” District, Modified
EXISTING DRIVEWAY TO BE WIDEN AND FINAL LOCATION TO BE DETERMINED BY THE TRAFFIC DEPARTMENT. Driveway can be moved to conform to any required setback from the northerly side lot line.