SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 259-261 Highway No. 8 (Stoney Creek) (PED06351) (Ward 10)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-06-08, by 2095534 Ontario Inc., Trebla Properties, owners, for Official Plan Amendment No.______, to the Official Plan for the former City of Stoney Creek, on the lands municipally known as 259-261 Highway No. 8, as shown on Appendix “A” to Report PED06351, on the following basis:

(i) That Schedule “A”, General Land Use Plan, be amended from “Residential” to “General Commercial”; and,

(ii) That Schedule “A1”, Secondary Plan, Western Development Area, be amended from “Low Density Residential” to “General Commercial”.

(b) That approval be given to Zoning Application ZAC-06-39, by 2095534 Ontario Inc., Trebla Properties, owners, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, to change the zoning from the Residential “R6” Zone to the General Commercial “GC-53” Zone in order to permit the development of a commercial plaza, on the lands known municipally as 259-261 Highway No. 8, as shown on Appendix “A” to Report PED06351, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED06351, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.

(ii) That the amending By-law be added to Schedule “A”, Map No. 6, of Zoning By-law No. 3692-92.
(iii) That the zoning conforms with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the former City of Stoney Creek upon the approval of Official Plan Amendment No. ____.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of these applications is to permit the comprehensive development of a commercial plaza (see Appendix “B”) on the subject lands.

The proposal has merit and can be supported since the change in designation and zoning are consistent with the Provincial Policy Statement, and they conform to the Hamilton-Wentworth Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal

The applicant has applied to change the Official Plan designation from “Residential” to “General Commercial” on the lands known as 259-261 Highway No. 8, Stoney Creek (see Appendix “A”). The applicant has also applied to change the zoning of the subject lands from the Residential “R6” Zone to a site-specific General Commercial “GC” Zone in order to permit the development of a commercial plaza consisting of a 1-storey, 767 square metre commercial building with multiple tenants. A total of 25 parking spaces are proposed (see Appendix “B”).

The applicant has requested that only the following uses be permitted:

- Dry cleaner
- Travel agent
- Accountant’s office
- Engineer’s office
- Florist
- Insurance office
- Fast Food (Pizza, Sub Shop)
- Hardware Store
- Convenience Store
- Liquor Store
- Jewellery Store
- Denture clinic
- Deli
- Printer
- Paint/Wallpaper Store
- Dollar Store
- Health Food Store
- Pharmacy
- Hair Salon
- Day Spa
SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 259-261 Highway No. 8 (Stoney Creek) (PED06351) (Ward 10) – Page 3 of 6

- Men’s clothing store
- Lady’s clothing store
- Shoe Store
- Candy store
- Pet Store
- Optometrist
- Shoe Repair
- Bakery

Only a print shop and dry cleaner are not permitted as-of-right in the General Commercial “GC” Zone. To be consistent with the format of the proposed City wide Zoning By-law and By-law No. 05-200 (Zoning By-law for the Downtown), the requested uses other than the Denture clinic and the Optometrist can be categorized as “Retail Stores”, “Personal Service Shops”, “Fast Food Restaurants” and, “Professional and Business Offices”. The amending By-law, attached as Appendix "C", will address the requested uses.

Details of Submitted Application

Owner/Applicant: 2095534 Ontario Inc., Trebla Properties, Owner

Location: 259-261 Highway No. 8, Stoney Creek

Description: Frontage: 41.41 metres (Highway No. 8)
Lot Area: 0.23 hectares

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
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<tbody>
<tr>
<td>Surrounind Lands</td>
<td>Single detached dwellings</td>
<td>Residential “R6” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Single detached dwellings</td>
<td>Residential “R6” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Commercial</td>
<td>Highway Commercial “HC” Zone and General Commercial “GC-24” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Commercial</td>
<td>Local Commercial “LC-1” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single detached dwellings</td>
<td>Residential “R6” Zone</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) With the approval of the proposed Official Plan Amendment, the change in Zoning will conform to the Official Plan for the former City of Stoney Creek.

(iv) The proposed form of development is considered to be compatible with the existing development in the immediate area.

2. The applicant requested a specific range of uses to be considered within this development proposal. The proposed uses, listed in the Background Section of this report, are all uses permitted as-of-right in the General Commercial “GC” Zone with the exception of a dry cleaner and a print shop. To mitigate potential negative spill-over impacts (i.e. noise), the applicant specifically removed certain uses such as automobile related uses, gasoline bars, private or commercial clubs, taverns or theatres. The proposed range of uses are all considered to be appropriate for the subject lands.

It is also noted that landscaped buffer strips are required by the Zoning By-law to provide screening between commercial and residential uses. These landscape strips will be reviewed in detail at the site plan stage.

3. The subject lands do not meet the minimum lot frontage requirement of 45 metres for the General Commercial “GC” Zone as only 41.41 metres are provided. Further, at a parking ratio of 1 space per 28 square metres of gross floor area for retail stores, a total of 27 parking spaces would be required. The applicant has proposed 25 parking spaces. Based upon the size of the building (767 square metres) and the 25 spaces proposed, a parking ratio of 1 space per 31 square metres of gross floor area is provided. Staff would recommend that this ratio form part of the site-specific Zoning By-law so that if the proposed gross floor area is altered at a later date an appropriate amount of parking would be required to be provided. The amending By-law, attached as Appendix “C” will address these variances. Staff can support them as they will allow for an appropriate form of development to occur on the subject lands.

4. The development of the subject lands is subject to the approval of a site plan application. At that time details such as grading, landscaping, buffering and screening, and building elevations will be addressed in detail.

**ALTERNATIVES FOR CONSIDERATION:**

The existing Residential “R6” Zone would permit the development of a single detached dwelling, semi-detached dwelling, and a duplex dwelling.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial – N/A.

Staffing – N/A.
SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 259-261 Highway No. 8 (Stoney Creek) (PED06351) (Ward 10) – Page 5 of 6

Legal – As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change to the Official Plan and Zoning By-law.

Policies Affecting Proposal:

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.

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 this application is for an Official Plan Amendment and change in zoning to permit the construction of a commercial plaza, 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 Residential on Schedule “A”, General Land Use Plan and, “Low Density Residential” on Schedule “A1”, Secondary Plan, Western Development Area, in the Stoney Creek Official Plan. The applicant has applied to change these designations to “General Commercial”.

Staff has reviewed the “General Commercial” polices applicable to this proposal and note that this proposal would conform to the Official Plan with the approval of the Official Plan Amendment.

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 Street Railway.
- Bell Canada.
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 345 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 has not received any correspondence as a result of these circulations and notices.

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
Attachs. (3)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 259-261 Highway No. 8, Stoney Creek

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 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 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 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 City of Hamilton, in adopting Section __________ of Report 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), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), upon approval of Official Plan Amendment No. _____;

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

1. Map No. 6 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Residential “R6”
Zone to the General Commercial “GC-53” Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 8.3.8, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding the following new Special Exemption as follows:

“GC-53 259-261 Highway No. 8, Schedule “A”, Map No. 6

Notwithstanding the uses permitted in Subsection 8.3.2, only the following uses shall be permitted: Retail Stores, Personal Service Shops, Fast Food Restaurants, Professional and Business Offices, Denture Clinics and, Optometrists.

Notwithstanding the provisions of paragraphs (a) and (i) of Subsection 8.3.3, the minimum lot frontage shall be 41 metres and a parking ratio of 1 space per 31 square metres of gross floor area shall be provided and maintained.”

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 General Commercial “GC” Zone provisions, subject to the special provisions referred to in Section 2.

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

PASSED and ENACTED this day of , 2006.

______________________________      ____________________________
MAYOR                             CLERK

ZAC-06-39
This is Schedule "A" to By-Law No. 06—

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

Mayor

CLERK

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of By-law No. 06-

to Amend By-law No. 3692-92

Subject Property

258 and 261 Highway No. 8, Stoney Creek
Change from the Residential "R5" Zone to the General Commercial "GC-53" Zone

Scale: Not to Scale
File Name/Number: ZAC-06-39
Date: June 1, 2006
Planner/Technician: PM/NB