SUBJECT: City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 444 Hughson Street North and a Change in Zoning for Lands Located at 400 John Street North (Hamilton) (PED06404) (Ward 2)

RECOMMENDATION:

(a) That approval be given to City Initiative CI-04-E, City of Hamilton, owner, for an Official Plan Amendment to add a site-specific policy to the “Major Institutional” designation in the City of Hamilton Official Plan to permit a medical clinic, for lands located at 444 Hughson Street North, as shown on Appendix “A” to Report PED06404.

(b) That approval be given to City Initiative CI-04-E, City of Hamilton, owner, for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District (Block “1”) to permit a medical clinic and library, and for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District (Block “2”) to permit parking for the Hamilton-Wentworth District School Board and for the uses on Block “1”, for lands located at 444 Hughson Street North and 400 John Street North, respectively, as shown on Appendix “A” to Report PED06404, on the following basis:

(i) That Block “1” be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;
(ii) That Block “2” be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;

(iii) That the draft By-law, attached as Appendix “C” to Report PED06404, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(iv) That the proposed changes in zoning will be in conformity with Official Plan for the City of Hamilton upon finalization of proposed Official Plan Amendment No. ____, and is in conformity with Hamilton-Wentworth Official Plan.

_____________________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of this City Initiative is to permit the lands identified as Block “1”, as shown on Appendix “A”, to be used for a medical clinic and library. The initiative would permit the lands identified as Block “2” to be used only as a parking lot to be shared between the Hamilton-Wentworth District School Board and the North Hamilton Community Health Centre (the prospective purchasers of Block “1”).

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement and the Hamilton-Wentworth Official Plan. This initiative is compatible with the development of the surrounding area. The proposal will make use of existing services in the neighbourhood and will facilitate the development of a community health clinic in the neighbourhood.

**BACKGROUND:**

**Proposal**

The subject lands, identified as Block “1”, are located south of Wood Street, north of Simcoe Street, west of John Street North and east of Hughson Street North, as shown on Appendix “A”. The property comprises a vacant school building.
The lands shown as Block “2” are located at the northeast corner of Ferrie Street East and John Street North. The property is currently used as a school parking lot.

The purpose of this initiative is to add a site-specific policy to the “Major Institutional” designation in the City of Hamilton Official Plan, and to modify the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, for Block “1”. This would permit the subject lands to be used for a medical clinic and a library. Modifications are proposed in the zoning for Block “1” to require a minimum 1.0 metre south side yard, landscaping strips a minimum of 3.0 metres wide between a parking area and a street and 1.5 metres wide between parking areas abutting residential properties, and a maximum height of 10.5 metres for any buildings or structures.

The “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District for Block “2”, will be modified to permit only a parking lot on the subject lands. A minimum of 60 spaces will be allocated for Block “1” uses and the remaining 40 spaces will be used for the school located at 45 Simcoe Street East. A modification is proposed for Block “2” to require a minimum 3.0 metre planting strip along all lot lines, except for access driveways and sidewalks.

The amendments are required to appropriately zone the lands for the prospective purchaser (North Hamilton Community Health Clinic) to construct their new facility on Block “1”.

**North Hamilton Community Health Centre**

On March 6, 2002, City Council adopted Item 32 of the Committee of the Whole Report approving the submission of a Declaration of Interest in Real Property being the Bennetto School in order that the City was not at risk of losing community access to the gym and auditorium, which would have resulted in a significant decrease in community programming.

City Council adopted Item #5 on December 17, 2002, of the Committee of the Whole Report approving the Option to Purchase agreement between the School Board and the City. Staff was directed to confirm the new partners/tenants to reduce the City’s costs and look to other ways to generate revenues.

On March 4, 2003, a motion was passed “that a joint working group be established consisting of appropriate staff, two members of Council and representatives from the North Hamilton Community Health Centre, to achieve an appropriate negotiation between the City of Hamilton and the North Hamilton Community Health Centre for the Community Health Care Centre’s utilization of the Bennetto School Site, now owned by the City of Hamilton”. If negotiations failed, the City was going to demolish that portion of Bennetto School and convert the lands to sport/recreation facilities.
Block “1” contains the vacant school. The lands were acquired from the Hamilton-Wentworth District School Board in order that the City not be at risk of losing community access to the gym and auditorium, which would have resulted in a significant decrease in community programming. The former Bennetto Elementary School is to be demolished for the construction of the new North Hamilton Community Health Centre upon completion of staff negotiations to the Purchase and Sales Agreement, as directed by a Motion passed by the Committee of the Whole on March 4, 2003, and ratified by Council.

Details of Submitted Application

Block 1

Owner/Applicant: City of Hamilton

Property Size

<table>
<thead>
<tr>
<th>Frontage</th>
<th>Depth</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>42.038 metres (137.93 feet)</td>
<td>94.110 metres (308.77 feet)</td>
<td>0.4071 hectares (1.01 acres)</td>
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</table>

Block 2

Owner/Applicant: Hamilton Wentworth District School Board

Property Size

<table>
<thead>
<tr>
<th>Frontage</th>
<th>Depth</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>53.79 metres (176.48 feet)</td>
<td>62.35 metres (204.6 feet)</td>
<td>0.32 hectares (0.8 acres)</td>
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</tbody>
</table>

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>Block “1” Vacant Building</td>
<td></td>
<td>“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District</td>
</tr>
<tr>
<td>Block “2” School Parking Lot</td>
<td></td>
<td>“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District</td>
</tr>
</tbody>
</table>
Surrounding Lands:

**North**
- Block “1” Institutional, Community Centre
- Block “2” Single Detached Dwellings
- “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District

**South**
- Block “1” Institutional, School
- Block “2” Single and Semi Detached Dwellings
- “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

**East**
- Block “1” Single and Semi Detached Dwellings
- Block “2” Single and Semi Detached Dwellings
- “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

**West**
- Block “1” Single and Semi Detached Dwellings
- Block “2” Institutional, School
- “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
ANALYSIS/RATIONALE:

1. The City Initiative for an Official Plan and Zoning By-law Amendments has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement, and it conforms to the policies of the Hamilton-Wentworth Official Plan;

   (ii) It will allow development compatible with existing and planned uses in the surrounding neighbourhood; and,

   (iii) It is an appropriate infill use that will make use of existing services in a mature neighbourhood.

2. The proposed site-specific Official Plan policy will permit a medical clinic as an additional use on Block “1” (Appendix “A”). The proposed use will be compatible with the range of institutional uses permitted by the Hamilton Official Plan and the Setting Sail Secondary Plan (under appeal) for the subject lands, and the lands to the north upon which exists a community centre.

The nature of the rezoning for Block “1” will permit a medical clinic and a library on the subject lands. This is consistent with the “Institutional” policies in the Setting Sail Secondary Plan, (pending approval by the Ontario Municipal Board). Medical clinics are permitted by the Plan if they are in keeping with the nature and scale of development in the area. The proposed uses should have a minimal impact on the neighbouring residential properties.

The rezoning of the lands shown as Block “2” will recognize an existing parking lot and its expansion, that will be shared jointly by the users of the North Hamilton Community Health Centre on Block “1” and the adjacent Public School on Simcoe Street.

3. The proposed building for Block “1” (Appendix “B”) is to be located 15 metres south of the existing Bennetto Community Centre, and is to be 2-storeys in height. The proposed building dimensions are 75 metres in the east-west direction, and 31 metres in the north-south direction. The total building gross floor area is 2,715 square metres with 1,560 square metres on the first floor and 1,155 square metres on the second floor. The proposed lot coverage is 38.5%.

4. The proposed use for Block “1” requires 135 parking spaces in the Hamilton Zoning By-law. The applicant (North Hamilton Community Health Centre) provided a parking demand analysis that indicates the large majority of their users take alternative modes of transport to arrive at their current location on John Street North (i.e. transit, walking, bicycle, and taxi). The report prepared by the consultants recommended 76
parking spaces as sufficient for this development. City staff recommended that parking should be provided to accommodate 110 vehicles, which is sufficient to meet the demand of the new development and to reduce any existing conflicts within the neighbourhood. The reduction in parking is supportable as transit services are within close proximity to the lands, and the majority of users take alternative modes of travel to the property. Transit staff is supportive of this development as it adds a mixed use development to the neighbourhood. Traffic and Parking staff had no comments or concerns with this proposal.

5. 40 parking spaces will be provided on the lands shown as Block “1”, and 60 spaces on the lands shown as Block “2” for the exclusive use of the owners of 444 Hughson Street South. This is required by the draft By-law. The City has agreed to lease 10 parking spaces on the City owned lands to the north of Block “1” for a total of 110 spaces.

6. Modifications have been added in the zoning for the south side yard, landscaping and height requirements on Block “1”. The proposed minimum southerly side yard setback is 1.0 metre. This modification ensures that the building will not be built to the south lot line as initially proposed by the North Hamilton Community Health Centre’s architect. The proposed change to the minimum southerly side yard requirement is appropriate as the neighbouring public school maintains a large buffer to the south, and it is understood that the North Hamilton Community Health Centre will be acquiring additional lands from the School Board to create community gardens on the south side of their proposed building. Modifications require landscaping strips along the street at a minimum 3.0 metres in width and also along parking areas abutting neighbouring residential properties at a minimum 1.5 metres in width. The proposed landscaping requirements will act as an appropriate buffer to the surrounding uses. The height requirements have been reduced from the current maximum of 14.0 metres to 10.5 metres to reflect the policies in the Setting Sail Secondary Plan, to be compatible with the surrounding neighbourhood, and to reflect the proposed building height. Further design issues will be addressed through the site plan approval process.

7. A modification was made to the landscaping requirements on Block “2” to require a minimum 3.0 metre wide planting strip along any lot line, as the site is only partially developed with a parking lot. At the time the parking lot is enlarged it is anticipated that the planting strip will act as an appropriate buffer to the surrounding neighbourhood. A site plan will be submitted for the development of the entire lands for a parking lot and, at that time, the changes to the landscaping will be implemented.

8. In response to the precirculation of the application, staff received comments via e-mail (one) and by phone for this initiative from surrounding property owners. The residents raised concerns about the design of the building, parking and walkway
linkages on Block “1” across the site, dedication of street parking along Hughson Street North as “resident only parking”, and if the development will have a positive impact on property values. The e-mail comment received was forwarded to Parking staff, who has circulated a petition to the residents in the neighbourhood to determine the need for “resident only parking”. Some residents voiced support for the application indicating that they wished to see the building sold and the property redeveloped for the North Hamilton Community Health Centre, as it is currently vacant and is deteriorating. The sale of the property will encourage proper maintenance of the property and preserve property values. Parking is addressed in the comments above. Issues such as design will be addressed through the site plan process; a preliminary elevation of the building is provided in Appendix “B”.

9. The property is adequately serviced by municipal sewers and water.

**ALTERNATIVES FOR CONSIDERATION:**

Should the applications be denied, then the lands may only be used in accordance with the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: The net proceeds of the sale will be directed towards the revenue requirements of the City of Hamilton.

Staffing: N/A.

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

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The proposal is consistent with the Provincial Policy Statement (PPS). Block “1” contains a vacant building which will be demolished and a new building constructed. The amendments encourage the efficient use of existing services and locate a community use in an already built-up area.

**Hamilton-Wentworth Official Plan**

The subject properties are designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal
City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located at 444 Hughson Street North and a Change in Zoning for Lands Located at 400 John Street North (Hamilton) (PED06404) (Ward 2) - Page 9 of 11

services, will be concentrated in the Urban Areas. Furthermore, the Plan establishes a land use strategy for the Urban Area that consists of a compact urban form including mixed use areas. Therefore, as the nature of the application will facilitate the use of Block “1” for a land use that blends with the surrounding core area, and makes use of an under-utilized facility on Block “2”, the proposal complies with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

Both Blocks “1” and “2” are designated “Major Institutional” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectares in size designated on Schedule “A” as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, wealth, educational, religious, and government activities and accessory uses.

A.2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;

ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;

A.2.6.3 All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in Commercial areas or may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable.”

The subject lands are designated as “Major Institutional”. As the “Major Institutional” designation permits health facilities under the jurisdiction of a local board or public and private agencies, but not professional medical offices, an amendment is required to the City of Hamilton Official Plan for Block “1”. The land use proposed for Block “2” will be
an accessory use to the lands identified as Block “1”, and as such, an Official Plan Amendment is not required for that block.

**West Harbour Secondary Plan (Setting Sail)**

The following policies apply to Blocks “1” and “2” which are designated “Institutional”:

“A.6.3.3.1.20 ii) Notwithstanding the policies set out above, in areas designated Institutional, professional medical offices are permitted provided they are compatible with the surrounding area and are in keeping with the Local Commercial Policies A.6.3.3.1.19 of this plan;

iii) The maximum height of buildings shall be 3 storeys, except where otherwise identified on Schedule “M-4”;

iv) Parking areas shall be provided at the rear of sites, underground and/or in above-grade structures behind buildings;”

Both blocks are designated in the West Harbour Secondary Plan, which is currently under appeal, as “Institutional”. Professional and medical offices and accessory, parking, are permitted by the “Institutional” policies; therefore, the proposal complies with the intent of the West Harbour Secondary Plan.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Public Works Department, Capital Planning and Implementation Division.
- Public Works Department, Open Space and Park Planning.
- Public Works Department, Traffic Engineering and Operations.
- Public Works Department, Forestry.
- Hamilton Municipal Parking System, Downtown Renewal Division.
- Corporate Services Department.
- Hamilton-Wentworth District School Board.
- Union Gas.
- Hamilton Street Railway.

**PUBLIC CONSULTATION:**

In keeping with the Public Participation Policy that was approved by Council on May 29, 2003, precirculation of the City Initiative was circulated to property owners within 120 metres of the lands and a sign was posted on the site. Notice of the Public Meeting will be given in accordance with the requirements under the Planning Act.
One written comment in the form of an e-mail was received and is included in Appendix “D”. The concerns are discussed 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
Human health and safety are protected.
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.
A City that spends wisely and invests strategically.

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

:DS
Attachs. (4)
Appendix “A” to Report PED06404
(Page 1 of 1)

Block 1 – Official Plan Amendment to add site specific policy and a rezoning to modify the existing "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District.

Block 2 – Rezoning to add a modification to the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting Lands Located at 444 Hughson Street North and 400 John Street North

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 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 __________ of Report 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 City of Hamilton, as amended by Official Plan Amendment No. __________ to the former Official Plan of the City of...
Hamilton, proposed by the Corporation of the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.

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

1. That Sheet No. E-2 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

   (a) by changing Block “1” from “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District to “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified; and,

   (b) by changing Block “2” from “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District to “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified;

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

2. That the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Block “1”, are modified to the extent only of the following special requirements:

   (a) That notwithstanding Section 10. (1) of Zoning By-law No. 6593, only the following uses and accessory uses thereto shall be permitted:

      - Medical Clinic; and,
      - Library.

   (b) That notwithstanding Section 10.(2) of By-Law No. 6593, no building or structure shall exceed 10.5 metres in height.

   (c) That notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, a yard having a minimum depth of 1.0 metre shall be provided and maintained along the southerly lot line.

   (d) That all parking areas shall be separated from the street by a planting strip of not less than 3.0 metres in width, except for any areas used for access driveways.
(e) That all parking areas shall be separated from all lot lines other than a street line, by a planting strip of not less than 1.5 metres in width, except for any areas used as walkways.

(f) That notwithstanding Table 1 of Section 18A of Zoning By-law No. 6593, or any provision of this By-law to the contrary, a minimum of 100 parking spaces shall be provided, of which a maximum of 60 spaces may be provided on lands located at 400 John Street North.

3. That the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Block “2” are modified to the extent only of the following special requirements:

   (a) That notwithstanding Section 10.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

      - A parking lot, used in conjunction with the uses at 444 Hughson Street North and 45 Simcoe Street East.

   (b) That all parking areas shall be separated from any lot line by a planting strip of not less than 3.0 metres in width, except for any areas used for access driveways or walkways.

   (c) That notwithstanding Table 1 of Section 18A or any other provision to the contrary of Zoning By-law No. 6593, 60 parking spaces shall be provided and maintained for the uses located at 444 Hughson Street North.

4. That 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 Sections 2 and 3.
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

CI-04-E
**Schedule “A”**

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

to Amend By-law No. 6593

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**Subject Property**

444 Hughson St North and 400 John St North

- **Block 1** - Change in zoning from “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District to “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified

- **Block 2** - Change in zoning from “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District to “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District Modified
From: ANN BUCKLE  
Sent: Friday, August 11, 2006 9:03 AM  
To: Samis, David  
Cc: Bratina, Bob  
Subject: Re: File C1-04-E  

I have no concerns regarding the proposal for the Community Health Centre and Library being located on the site of the old Bennetto School, however, as a resident who lives on Hughson Street North directly opposite the old school, I anticipate problems with parking.

We have no other place to park our cars other than on Hughson Street North in front of our homes. Is there any possibility of having our block - designated as "resident parking" only? Thank you for your consideration. Ann Buckle