TO: Chair and Members
   Planning Committee
WARD(S) AFFECTED: WARD 15

COMMITTEE DATE: November 8, 2011

SUBJECT/REPORT NO:
Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough) (PED11194) (Ward 15)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Kate Mihaljevic
(905) 546-2424, Ext. 4424

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Regional Official Plan Amendment Application ROPA-11-001, by The Krpan Group, Applicant, for Official Plan Amendment No. __, to modify Site-Specific Policy Area 7 to permit a grocery store on lands located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED11194, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED11194, be adopted by City Council; and,

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan.
SUBJECT: Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough) (PED11194) (Ward 15) - Page 2 of 16

(b) That approval be given to Amended Zoning Application ZAC-11-021, by The Krpan Group, Applicant, for a further modification to the Prestige Industrial "M1-12" Zone, to permit a grocery store and remove the maximum gross floor area provision for any individual retail outlet and all retail uses, on lands located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED11194, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED11194, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed change in zoning will be in conformity with the Hamilton-Wentworth Official Plan upon finalization of Official Plan Amendment No. __, and is in conformity with the Official Plan for the Town of Flamborough.

EXECUTIVE SUMMARY

The purpose of these applications is to modify the existing Special Policy Area 7 in the Hamilton-Wentworth Official Plan, and further modify the existing zoning to permit a grocery store, and to remove the maximum gross floor area provision for any individual retail outlet, being 12,077 square metres (129,996 square feet), as well as the maximum gross floor area provision for all retail uses, being 39,110 square metres (420,997 square feet), on the subject lands.

The proposal can be supported as it is consistent with the Provincial Policy Statement, conforms to the Town of Flamborough Official Plan, and meets the general intent of the Hamilton-Wentworth Official Plan. The proposal also conforms to the New Urban Hamilton Official Plan.

Alternatives for Consideration - See Page 15.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.
SUBJECT: Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough) (PED11194) (Ward 15) - Page 3 of 16

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

HISTORICAL BACKGROUND

Proposal:

The subject lands are located at the northeast corner of Dundas Street East and Highway 6 in Waterdown (see Appendix "A"). The application is to permit a new grocery store on the subject lands, to remove the retail development cap of 39,110 square metres (420,977 square feet) while maintaining the overall development limit of 55,740 square metres (599,980 square feet), and to permit retail stores greater than 12,077 square metres (129,996 square feet), which is the maximum permitted size for any individual retail use.

The lands currently contain approximately 28,000 square metres (301,389 square feet) of commercial development, of which 24,425 square metres (262,909 square feet) are comprised of retail uses. There is a cap of 39,110 square metres (420,977 square feet) for retail development, and an overall development cap of 55,740 square metres (599,980 square feet), excluding a Motel, Hotel, Community Centre, and Public Use. A Market Study, prepared by Malone Given Parsons Ltd., has been submitted in accordance with the Official Plan policies to support the application. This Study has also been peer reviewed by Altus Group, and they concurred with the conclusions of Malone Given Parsons Ltd.

Chronology of Events:

- **March 24, 2011:** Zoning By-law Amendment application was submitted.
- **April 21, 2011:** Regional Official Plan Amendment application was submitted. Zoning By-law and Official Plan Amendment applications deemed complete.
- **April 27, 2011:** Applications circulated to Agencies and Departments for comments.
- **May 2, 2011:** Notice of complete application mailed to all land owners within 120 metres of the subject property.
Subject: Application for Amendments to the Hamilton-Wentworth Official Plan
and Town of Flamborough Zoning By-law No. 90-145-Z, for Lands
Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4,
10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East
(Flamborough) (PED11194) (Ward 15) - Page 4 of 16

- August 11, 2011: Notice of Public Meeting mailed to all land owners within 120
metres of the subject property.

- August 22, 2011: Notice of Public Meeting Cancellation mailed to all land owners
within 120 metres of the subject property due to sign posting error.

- October 4, 2011: Peer Review of Market Study submitted by Malone Given
Parsons Ltd.

- October 21, 2011: Notice of Public Meeting mailed to all land owners within 120
metres of the subject property.

Details of Submitted Application:

Location: 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4,
10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas
Street East (Flamborough)

Applicant: The Krpan Group

Owners: Canadian Tire Real Estate Limited
Flamborough Financial Corporation
Flamborough Capital Corporation
Flamborough Power Centre Inc.
RioCan PS Inc.

Agent: Fothergill Planning and Development Inc.

Property Description:

Frontage: 180 metres (Highway 5)
Lot Depth: 480 metres
Area: 26.3 hectares

Existing Land Use and Zoning:

Subject Lands: Commercial
Existing Land Use
Existing Zoning
Prestige Industrial “M1-12-1”,
“M1-12-2”, and “M1-12-3(H)”
Modified Zones
(By-law No. 90-145-Z)
SUBJECT: Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough) (PED11194) (Ward 15) - Page 5 of 16

Surrounding Lands:

West | Industrial | Prestige Industrial “M1-1” Zone Modified (By-law No. 90-145-Z) and Prestige Business Park “M3” Zone (By-law No. 05-200)

North | Borer’s Creek | Conservation Management “CM” Zone (By-law No. 90-145-Z)

East | Gas Line Easement | Open Space “O2” Zone (By-law No. 90-145-Z)

South | Commercial | Prestige Industrial “M1-11-1”, “M1-11-2(H)”, “M1-1”, and “M1-13” Modified Zones (By-law No. 90-145-Z)

POLICY IMPLICATIONS

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application is consistent with the policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3. The proposal maintains the intent to develop and create compact and complete communities. Therefore, the applications conform to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 1.1.1 (b) states that:

“healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational, and open space uses to meet long-term needs.”

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
The subject lands are considered to be within a Settlement Area, as defined by the PPS. As such, in accordance with Policy 1.1.3.1, growth shall be focused in Settlement Areas. These applications will facilitate the on-going development of the commercial uses on the subject lands and, therefore, is consistent with the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject lands are designated as “Business Parks” on Map No. 1 Regional Development Pattern of the Hamilton-Wentworth Official Plan. In 2005, Official Plan Amendment No. 21 was approved to designate the subject lands as Special Policy Area 7, and to permit department stores in addition to other commercial uses permitted in the “Business Parks” designation. However, in 2010, the adoption of Regional Official Plan Amendment Number 38 for the new Industrial Zone for inclusion in the new Hamilton Zoning By-law 05-200 deleted Policy C.3.1.3.1 - Business Parks in its entirety, and replaced it with new policies which do not address the Flamborough Power Centre in its existing condition, or allow for the ongoing development of the site.

The subject lands are designated “District Commercial” under the new Urban Hamilton Official Plan due to the commercial nature of the Flamborough Power Centre. However, since the Official Plan is not yet in force and effect, there are currently no high order policies to direct the development of the property. As such, the proposed Official Plan Amendment will reinstate the deleted policies and permit a grocery store within Special Policy Area 7.

**Town of Flamborough Official Plan**

The subject lands are designated Site-Specific Area No. 14 “Prestige Industrial-Commercial” on Schedule “A-1” - Land Use Plan: Flamborough Business Park Secondary Plan. An amendment to the Flamborough Official Plan is not required for this proposal, as a grocery store is considered to be a retail use, and retail uses are permitted in the “Prestige Industrial-Commercial” designation. Further, Policy A.6.2.2.6 states:

“In response to a changing market, ‘big box’ retail has proven to be a successful retail format. The proposed type of retail will carry a range of products and services, and these facilities tend to distinguish themselves from local downtowns and shopping centres based on their large size format and the increased market area that they typically serve. These lands will form part of a ‘big box’ retail node with the lands covered by Site-Specific Area #4 to the south. The following uses are permitted within Site-Specific Area #14 (Flamborough Power Centre - North East):
(i) A business, professional, administrative office building;

(ii) Research and development facilities;

(iii) Hotel/motel and conference/convention facilities;

(iv) Government service buildings such as fire halls, community centres, ambulance stations, and other public uses;

(v) Recreational and entertainment facilities;

(vi) Financial institution, personal and business services, convenience retail, and large restaurants;

(vii) Wholesale and/or retail warehouses;

(viii) Retail establishments;

(ix) Home improvement, household furniture and/or appliance outlet and/or lawn and garden centre;

(x) Department store; and,

(xi) Automobile service station and gas bar.”

Further, Policy A.6.2.2.6.1 states:

“In addition to the site plan requirements for the Town, the lands shown on Schedule “A-1” as Prestige Industrial-Commercial - Site-Specific Area #14 shall be developed in accordance with the following policies:

(i) A wholesale and/or retail warehouse is a facility which is either large scale and distributes a broad range of goods, or distributes high volumes of a specific type of merchandise, and functions in a warehouse format where most goods are stored, displayed, and offered for sale in one and the same area;

(ii) The maximum gross floor area for all uses combined, excluding a hotel, motel, community centre, and public uses, shall be 55,740 square metres (600,000 square feet);
In accordance with Policy A.6.2.2.6.1 (iii), a Market Study is required to be submitted to permit retail development beyond the 39,110 square metre (420,977 square feet) cap without an amendment to the Official Plan. A Market Study, prepared by Malone Given Parsons Ltd. and peer reviewed by Altus Group, concluded that removal of the retail cap, while maintaining the overall development limit of 55,740 square metres (600,000 square feet), is acceptable. Therefore, the increase in retail gross floor area and inclusion of a grocery store as a permitted use conforms to the Flamborough Official Plan.

**New Urban Hamilton Official Plan (Under Appeal)**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and is currently under appeal.

The subject lands are designated as “District Commercial” on Schedule E-1 of the Urban Hamilton Official Plan, and are intended to provide retail and service commercial uses which cater to the weekly and daily shopping needs of residents in the surrounding neighbourhoods. The lands are also defined as Special Policy Area UF-1 on Volume 3:
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

Map F-1 Special Policy Areas. In accordance with Policy E.4.7.2 of Volume 1, the District Commercial designation permits the following uses:

a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;

b) offices, provided they are located above the first storey;

c) residential uses, provided they are located above the first storey of a mixed-use building; and,

d) accessory uses.”

Further, UF-1 Policies noted in Volume 3 states:

“UF-1 Lands located east of Highway 6, west of the pipeline easement, north of the Niagara Escarpment and south of Borer’s Creek (part of Clappison’s Corners)

1.0 In addition to Section E.4.7 - District Commercial of Volume 1, the following policies shall apply to lands located east of Highway 6, west of the pipeline easement, north of the Niagara Escarpment, and south of Borer’s Creek (part of Clappison’s Corners), and shown as sub areas A, B (B-1 and B-2), C, and D on Area Specific UF-1 on Map F-1:

(a) a combined maximum of 118,354 square metres of gross floor area shall be permitted in areas A, B, and C, excluding a hotel and motel for area C of UF-1; and,

(b) residential uses shall not be permitted.

Area C

1.3 In addition to Policy E.4.7.2, but notwithstanding Policies E.4.7.3 and E.4.7.7 - District Commercial of Volume 1, the land south of Borer’s Creek, east of Highway 6, north of Highway 5, and west of the pipeline easement, shown as Area C in Area Specific UF-1 on Map F-1, shall be subject to the following policies:

a) The following additional uses shall be permitted:

i) Hotel/motel and conference/convention facilities;
ii) Government service buildings such as fire halls, community centres, ambulance stations, and other public uses;

iii) Recreational and entertainment facilities;

iv) Wholesale and/or retail warehouses;

v) Home improvement, household furniture and/or appliance outlet and/or lawn and garden centre;

vi) Department store;

vii) Automobile service station and gas bar; and,

viii) Business, professional, and administrative offices in stand alone buildings.

Area C, shown on UF-1 on Map F-1, shall be developed in accordance with the following policies:

Retail uses exceeding a combined gross floor area of 39,110 square metres shall require a market impact study to ensure that there are no significant detrimental impacts on other planned commercial functions within the City, but no amendment to this Plan shall be required;

The maximum gross floor area for all uses combined, excluding a hotel, motel, community centre, and public uses, shall be 55,740 square metres;

A maximum of thirty-five percent of the total gross floor area of all wholesale and/or retail warehouses and other retail uses equal to or greater than 1,858 square metres each in gross floor area may be comprised of individual retail establishments between 465 square metres and 1,857 square metres each in gross floor area;

A “gateway” feature shall be required to establish the site as a focal point to one of the major entrances to the Waterdown urban area;

Enhanced landscaping and tree planting shall be required, especially as the site relates to Highway 5 and 6 and the internal road pattern;
As part of the staging of development, all required transportation improvements must be secured to properly service the extent of development permitted by the implementing Zoning By-law.”

In accordance with Area C policies, a Market Study is required to be submitted to permit retail development beyond the 39,110 square metre (420,977 square feet) cap without an amendment to the Official Plan. A Market Study, prepared by Malone Given Parsons Ltd. and peer reviewed by Altus Group, has concluded that removal of the retail cap, while maintaining the overall development limit, is acceptable. Therefore, along with the proposed grocery store, the proposal conforms to the applicable provisions of the New Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Infrastructure and Source Water Planning Section, Public Works Department.
- Parking and By-law Services Section.
- Union Gas.
- Hydro.
- Canada Post.
- Bell Canada.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 222 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on April 27, 2011, requesting public input on the application. To date, 4 comments have been received, and have been included in Appendix “D”.

The concerns raised in the letters received pertain to the nature of the proposal and the impact to the neighbouring properties. These concerns are discussed in the Analysis/Rationale for Recommendation section of this Report.

Further, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.
ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:

   (i) It conforms to the Places to Grow Plan, and is consistent with the Provincial Policy Statement;

   (ii) It conforms with the Town of Flamborough Official Plan; and,

   (iii) It is compatible with the existing and planned development in the area.

2. Regional Official Plan Amendment

The purpose of this amendment is to reinstate the former site-specific policies for Special Policy Area 7 for the subject lands that were inadvertently deleted by Regional OPA 38, and to further amend those policies to add a grocery store as a permitted use.

In 2010, By-law 10-127 (Regional OPA 38) was passed to amend the Regional and all former municipal Official Plans to adopt new policies that reflect the new industrial zoning for the new Hamilton Zoning By-law 05-200. Policy C.3.1.3.1 of the Hamilton-Wentworth Official Plan stated:

“Designate Business Parks shown on Map No. 1, to accommodate:

a) a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses; and,

b) service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail - wholesale uses required site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores, and automobile dealerships).

c) Notwithstanding Section 3.1.3.1 b), department stores and grocery stores may be permitted in the area shown on Map No. 1 as Special Policy Area No. 6 (SPA 6) (OPA 17).

d) Notwithstanding Section 3.1.3.1 b), department stores may be permitted in the area shown on Map No. 1 as Special Policy Area No. 7 (SPA 7 (OPA 21).”
Due to Regional OPA 38, Policy C.3.1.3.1 was inadvertently deleted in its entirety and replaced with policies which do not permit any form of commercial development within a designated Business Park. The subject lands have been designated as District Commercial in the New Urban Hamilton Official Plan, however, this plan in not yet in full force and effect. Therefore, these policies will need to be reinstated in the Hamilton-Wentworth Official Plan.

Regional OPA No. 21 was adopted in 2005 to permit a department store on the subject lands in addition to the retail commercial uses permitted as-of-right in the Business Park, as stated in former Policy C.3.1.3.1 above. However, the amendment did not include permissions for a grocery store since the lands immediately south of Highway 5 (RioTrin and Clappison 5/6 Corporations) received approvals in 2003 to permit a grocery store. Prior to the approval of Regional OPA No. 17 for the RioTrin/Clappison 5/6 properties, a Fortino's grocery store was a confirmed tenant; however, it was never constructed.

The company known as Clappison 5/6 own lands immediately to the west of the RioTrin property, which was included in Regional OPA 17. The Clappison 5/6 lands are owned by the same company as the Flamborough Power Centre, namely The Krpan Group. Currently, the Clappison 5/6 lands cannot develop at this time due to an ‘H’ Holding provision on the zoning which requires the construction of a new municipal road connecting to Dundas Street East. The ‘H’ Holding cannot be lifted at this time due to the ongoing Environmental Assessment being undertaken by the Ministry of Transportation, in partnership with the City of Hamilton. Due to the mutual interest in both the Flamborough Power Centre and the Clappison 5/6 lands, it is unlikely that a grocery store will be located on both properties. Similarly, the RioTrin lands have reached their maximum capacity, at this time, and cannot accommodate any new development.

A Market Study, prepared in March, 2011, by Malone Given Parsons (MGP), for the Flamborough Power Centre, assesses the need for a grocery store on the subject lands compared to the overall needs for the community of Waterdown. The Market Study concludes that the Waterdown community can support two to three new grocery stores. Waterdown is currently serviced by two grocery stores: Fortino’s, located at Hamilton Street North and Parkside Drive; and Sobey’s, located at Hamilton Street North and Dundas Street East. The Waterdown North Secondary Plan anticipates low scale commercial development that will cater to the needs of the local residents, such as service based professional offices, small retail outlets, and other shops and restaurants. The Waterdown South Secondary Plan (under appeal) anticipates larger scale commercial development, inclusive of a grocery store and plaza-style development. Both of
these areas will not be negatively impacted by establishing a new grocery store in the Flamborough Power Centre. Further, the Report is also supported by Altus Group, who conducted a peer review of MGP’s conclusions. As such, staff is supportive of permitting a grocery store on the subject lands.

3. **Zoning By-law Amendment**

The purpose of the amendment is to add a grocery store as a permitted use and to remove the maximum GFA cap on individual retail uses. The subject lands are zoned Prestige Industrial “M1-12-1”, “M1-12-2”, and “M1-12-3(H)”, Modified, in the Town of Flamborough Zoning By-law. In accordance with Section 29.3.12 (a), Retail Establishments, excluding any Retail Establishment primarily involved with food sales such as a Supermarket, are permitted. As mentioned in the Official Plan Amendment analysis, the limitation on permitting a grocery store was to ensure that the subject lands and the lands to the south did not saturate the market with two large format supermarkets in the same vicinity. The Market Study, prepared by Malone Given Parsons, has concluded that the community of Waterdown can accommodate two to three new grocery stores; it is also anticipated that one of these grocery stores would be accommodated in the Waterdown South Secondary Plan (under appeal) at sometime in the future. The conclusions of the Market Study are supported by a peer review conducted by Altus Group.

The applicant has requested a further modification to remove the maximum GFA for retail development, while maintaining the overall development limit. In accordance with Section 29.3.12(b)(xi)(1) of the Town of Flamborough Zoning By-law, the maximum Total Gross Floor Area for Retail Establishments, Wholesale and Retail Warehouse Facilities, and Warehouse Membership Clubs is 39,110 square metres (420,976 square feet). Additionally, in accordance with Section 29.3.12(b)(x), the maximum Total Gross Floor Area for all uses, excluding Motel, Hotel, Community Centre, and Public Use is 55,740 square metres (600,000 square feet). The proposal to remove the limit on retail development, while maintaining the overall development cap, is supported through a Market Study, submitted by Malone Given Parsons Ltd., which was further peer reviewed by Altus Group, who supported the same conclusions. The additional retail development permission would be 16,630 square metres (179,004 square feet). The existing retail GFA on the property is 24,425 square metres (262,908 square feet), which leaves a residual of 14,685 square metres (158,068 square feet) to be developed for retail uses. The proposal would permit the remaining 31,315 square metres (337,072 square feet) of gross floor area for retail establishments.
In accordance with Section 29.3.12(b)(xi)(2), the maximum Gross Floor Area for any individual retail establishment is 12,077 square metres (129,996 square feet). The proposal would allow for additional anchor tenants without the need for subsequent Minor Variance Applications. The remaining Gross Floor Area could accommodate a maximum of two new retail anchor tenants, inclusive of a new grocery store, and would not negatively impact the full potential of the development of the subject lands. Therefore, staff is supportive of removing the cap on individual retail establishments.

4. Public Comments

In response to the pre-circulation of the application, four written comments were submitted to staff for consideration (see Appendix “D”). The concerns raised are with regard to the location of the proposed grocery store within the subject lands. The subject property abuts a pipeline easement on the east, which abuts a residential neighbourhood (see Appendix “A”). This residential neighbourhood consists of single-detached dwellings. The residents are concerned that the proposed grocery store will locate adjacent to their properties. At the present time, there is no confirmed tenant for the proposed grocery store, nor is there a Site Plan Control application submitted for review; therefore, staff is unaware of where the proposed grocery store will be located on the subject lands.

It is important to consider that the current zoning on the property permits a variety of commercial type uses. It is through Site Plan Control that staff can evaluate the location of the permitted uses and ensure that adequate buffering, including noise attenuation measures (i.e. wall, berm, or a combination of both), are established and maintained adjacent to sensitive land uses. If any loading spaces are proposed at the rear of the buildings, then a Noise Study will be required to be prepared and implemented as part of the Site Plan Review process. Any noise mitigation measures shown on the approved Site Plan must be provided and maintained. The City of Hamilton Site Plan Guidelines and Urban Design Guidelines provide staff with tools to evaluate development proposals to meet the needs of the City and surrounding land uses. Therefore, staff is confident that the proposal for a grocery store will not negatively impact the enjoyment and quality of life of the residential neighbourhood to the east of the subject lands.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the applicant would have the option to utilize the lands in accordance with the provisions of the Prestige Industrial “M1-12-1”, M1-12-2”, and “M1-12-3(H)” Zone, Modified.
CORPORATE STRATEGIC PLAN


Healthy Community

• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Hamilton-Wentworth Official Plan Amendment
• Appendix “C”: Draft Zoning By-law Amendment
• Appendix “D”: Comments from the Public

:KM
Attachs. (4)
Draft Amendment No.  [

] to the

Official Plan of the Former Regional Municipality of Hamilton-Wentworth

The following text, together with Schedule “A” - Map No. 1, attached hereto, constitutes Official Plan Amendment No.  to the Official Plan of the former Regional Municipality of Hamilton-Wentworth.

Purpose:

The purpose of this Amendment is to amend the Business Park policies of Section C.3.1.3.1 of the former Hamilton-Wentworth Official Plan to recognize the existing commercial development known as the Flamborough Power Centre and add a grocery store as a permitted use.

Location:

The lands affected by this Amendment are located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East, in Flamborough.

Basis:

The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement and conforms to the Town of Flamborough Official Plan.

- The property is currently a developed commercial area which has the potential to accommodate additional retail growth to facilitate the growing needs of the surrounding community.
Actual Changes:

Text Changes:

1. Section C.3.1.3.1 be amended by adding an additional policy as follows:

   “Notwithstanding Section C.3.1.3.1, designate Business Parks, namely Special Policy Area 7, shown on Map No. 1, shall permit the following:

   a) A full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses;

   b) Service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail - wholesale uses required site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores, and automobile dealerships);

   c) Notwithstanding Section 3.1.3.1 b), department stores may be permitted in the area shown on Map No. 1 as Special Policy Area No. 7 (SPA 7) (OPA 21); and,

   d) Notwithstanding Section 3.1.3.1 b), grocery stores may be permitted in the area shown on Map No. 1 as Special Policy Area No. 7 (SPA 7).”

Implementation:

A Zoning By-law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. ________, passed on the ___ day of ________, 2011.

The City of Hamilton

______________________________  ______________________________
R. Bratina                        R. Caterini
Mayor                            Clerk
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 area municipality known as the "The Corporation of the Town of Flamborough" 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. 90-145-Z (Flamborough) was enacted on the 5th day of November, 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 11- of the Planning Committee, at its meeting held on the day of , 2011, recommended that Zoning By-law No. 90-145-Z, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough) in accordance with the provisions of the Planning Act.
AND WHEREAS this by-law will be in conformity with the Hamilton-Wentworth Regional Official Plan upon approval of Regional Official Plan Amendment No. [BLANK], proposed by 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 the provisions of Sub-section 29.3.12 - Prestige Industrial “M1-12” of Section 29 - Prestige Industrial “M1” Zone of Zoning By-law 90-145-Z, applicable to the lands the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law, are hereby amended as follows:

   (a) That Sub-section 29.3.12 (a) - PERMITTED USES is amended by deleting the words: “excluding any Retail Establishment primarily involved with food sales such as a supermarket” from the third line so that it shall read as follows:

       Retail Establishment

   (b) That Sub-section 29.3.12 (b)(xi)(1) is deleted in its entirety.

   (c) That Sub-section 29.3.12 (b)(xi)(2) is deleted in its entirety.

   (d) That Sub-sections 29.3.12 (b)(xi)(3) and 29.3.12 (b)(xi)(4) are renumbered accordingly.

   (e) That all other provisions of By-law 90-145-Z shall continue to apply.

2. That 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 [ BLANK ] day of [ BLANK ], 2011.

______________________________    ________________________________
R. Bratina                      Rose Caterini
Mayor                           Clerk

ZAC-11-021/ROPA-11-001
Schedule "A"

Map Forming Part of
By-Law No. 11-______
to Amend By-law No. 90-145-Z

Subject Property

Further modification to the Prestige Industrial M1-12 Zone for 522 Highway No. 6, 5, 6, 11 and 28 Clappison Avenue, 4, 10, 24, 30, 36 and 50 Horseshoe Crescent and 95 Dundas Street East
May 17, 2011
File #: ZAC-11-201/ROPA-11-001

Re: Zoning By-Law Amendment Application [File#: ZAC-11-021]

Subject:
A request to modify the Site Specific Policy Area of the Hamilton Wentworth Official Plan for existing commercial development at the north east corner of Highway 5 and Highway 6. The site known as the Flamborough Power Centre is asking to modify the Site Specific Policy Area of the Hamilton Wentworth Official Plan to permit a grocery store.

I was unable to obtain the necessary information required to make an informed decision on the impact of having a grocery store (directly?) behind my home.

The Planning and Economic Department – Planning Division, Development Planning Letter date May 2, 2011:
1. Did not include details to allow the reader of the letter to determine the exact location of the grocery store.
2. Did not include details on the proposed location for the grocery store receiving docks, i.e. Does the proposed grocery store location have receiving docks back directly on to the bedroom windows of my home on Kildonan Crescent? This is something I would not like to see.

Follow up calls returned by City of Hamilton employees did not provide additional information to allow me to make an informed decision on the impact of having a grocery store (directly?) behind my home.
- At this point in time I am sorry to say I “object” to modifying the Site Specific Policy Area of the Hamilton Wentworth Official Plan for existing commercial development at the north east corner of Highway 5 and Highway 6 to permit a grocery store.

Additional information is needed to make an informed decision and satisfy and address my concerns (see points 1 & 2 above).
- When the details become available and are provided by the City of Hamilton, Planning and Economic Department – Planning Division I only then can make an informed decision.

When I can make an informed decision, one that satisfies my concerns I then would be more than happy to support a request to modify the Site Specific Policy Area of the Hamilton Wentworth Official Plan for existing commercial development at the north east corner of Highway 5 and Highway 6 to permit a grocery store.

Ron Minaker
48 Kildonan Crescent
Jason Thomson,
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – West Section
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y8

Re: ZAC-11-021/ROP-11-001

To Whom It May Concern,

I strongly object to the proposed changes which would allow a grocery store in the area of the Flamborough Power Center (north east corner). We are a quiet, clean residential neighbourhood. I don't want to hear transport truck deliveries coming in at all hours of the night or even early mornings. In addition I'm concerned about the amount of trash/waste that would be redistributed to our neighbourhood, from grocery store flyers to recycled boxes and plastic wrap and bags. We take pride in our community and would like to continue to maintain our high standards.

Respectfully,

Sarah Sutherland
36 Kildonan Cres.
Jason Thomson,
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – West Section
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y8

Re: ZAC-11-021/ROPA-11-001

To Whom It May Concern,

I strongly object to the proposed changes which would allow a grocery store in the area of the Flamborough Power Center (north east corner). We are a quiet, clean residential neighbourhood. I don’t want to hear transport truck deliveries coming in at all hours of the night or even early mornings. In addition I’m concerned about the amount of trash/waste that would be redistributed to our neighbourhood, from grocery store flyers to recycled boxes and plastic wrap and bags. We take pride in our community and would like to continue to maintain our high standards.

Respectfully,

[Signature]
Brian Cunha
34 Kildonan Cres.
Good afternoon: I have received the letter of May 2, 2011 which advises of an application for amending Official Plan and Zoning Bylaw in order to allow a grocery store to be built in the Flamborough Power Centre. As a resident who lives adjacent to the Power Centre development, my most major concern is whether the location of the grocery store will lead to an uncomfortable noise level, especially after hours (after 10 p.m. or so). I am concerned especially with the possibility of trucks visiting loading docks near the residential area late at night. I would like to see the site plan as soon as it becomes available. I have talked with Kate today over the phone and she advises that the site plan has not been drawn up yet and that a potential tenant for the grocery store has not been secured.

My 46 Kildonan Cres. location backs onto the oil pipeline and thus is very close to the development zone. I am looking forward to finding out more information on the project.

truly, Don Ross

46 Kildonan