SUBJECT: Application for an Amendment to the Glanbrook Official Plan, and for Changes in Zoning for the Lands Located Within Block 80, Plan 62M-1035, and 3206 Regional Road 56, in the Former Township of Glanbrook (Binbrook) (PED07253) (Ward 11)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-07-03, by Losani Homes, Owner**, for Official Plan Amendment No.____, to amend Schedule ‘A’, Land Use Plan, from “Residential” to “Binbrook Community Core”, and Schedule ‘B’, Binbrook Village Secondary Plan, from “Medium Density Residential” to “Community Core”, of the Official Plan for the former Township of Glanbrook, on the lands located within Block 80, Plan 62M-1035, Binbrook, as shown on Appendix “A” to Report PED07253, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07253, be adopted by City Council.

(b) That approval be given to **Zoning By-law Amendment Application ZAC-07-021, by Losani Homes, Owner**, for changes in zoning from the Existing Residential “ER” Zone to the General Commercial “C3-225” Zone (Block 1) and from the Residential Multiple “RM3-202” Zone to the General Commercial “C3-225” Zone (Block 2), to permit development of a mixed-use building on the lands located within Block 80, Plan 62M-1035 and 3206 Regional Road 56, in the former Township of Glanbrook as shown on Appendix “A” to Report PED07253, on the following basis:
SUBJECT: Application for an Amendment to the Glanbrook Official Plan, and for Changes in Zoning for the Lands Located Within Block 80, Plan 62M-1035, and 3206 Regional Road 56, in the Former Township of Glanbrook (Binbrook) (PED07253) (Ward 11) - Page 2 of 11

(i) That the draft By-law, attached as Appendix “C” to Report PED07253, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule ‘H’ of Zoning By-law No. 464.

(iii) That the proposed changes in zoning will be in conformity with the Glanbrook Official Plan upon approval of Official Plan Amendment No.____.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant has applied to amend the Glanbrook Official Plan and for changes in Zoning in order to permit the development of a 3-storey mixed-use building. The building will contain ground floor commercial uses and two floors of residential units above.

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

BACKGROUND:

Elizabeth Gardens Draft Plan of Subdivision (25T-200111)

A portion of the subject lands (Block 2 on Appendix “A”) are located within the Elizabeth Gardens Draft Plan of Subdivision, which was registered on July 7, 2005, as Registered Plan No. 62M-1035. The lands contained within Block 80 were draft approved and registered to permit the development of medium density residential dwellings.
Proposal

The purpose of these applications is to amend Schedule ‘A’, Land Use Plan, from “Residential” to “Binbrook Community Core”; and Schedule ‘B’, Binbrook Village Secondary Plan, from “Medium Density Residential” to “Community Core” of the Official Plan for the former Township of Glanbrook, on the lands located within Block 80, Plan 62M-1035 (Appendix “A” – Block 2). The application also proposes to change the zoning on these lands and the adjacent lands known as 3206 Regional Road 56 (Appendix “A” – Block 1), from the Existing Residential “ER” Zone to the General Commercial “C3-225” Zone (Block 1), and from the Residential Multiple “RM3-202” Zone to the General Commercial “C3-225” Zone (Block 2) in order to permit the development of a mixed-use building containing ground floor commercial uses and two floors of residential uses above.

The applicant has submitted two concept plans of the proposal (attached as Appendices “D” and “E”).

Concept A1-A (Appendix “D”)

This plan proposes a 3-storey mixed-use commercial/residential building fronting onto Regional Road 56 containing ground floor commercial uses and 16 apartment units on the top two floors, with 68 parking spaces to the rear of the building, and a 6m landscape buffer adjacent to the existing residential use to the west.

Concept A1-B (Appendix “E”)

This plan shows the 68 parking spaces fronting onto Regional Road 56 and the 3-storey mixed-use commercial/residential building containing ground floor commercial uses with 16 apartment units on the top two floors backing onto existing residential development to the west. The plan also shows a 6 metre landscape buffer in between the building and the adjacent residential uses.

The preferred concept is discussed in the Analysis/Rationale section of this report.

Details of Submitted Application

<table>
<thead>
<tr>
<th>Owners:</th>
<th>Losani Homes</th>
</tr>
</thead>
</table>
| Location:      | Block 80, Plan 62M-1035  
3206 Regional Road 56 |
| Description:   | Frontage: 88.46 metres  
Depth: Irregular  
Area: 0.68 ha |
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 80 - Vacant</td>
<td>Residential Multiple “RM3-202” Zone</td>
<td></td>
</tr>
<tr>
<td>3206 Regional Road 56 - Single Detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Land Uses</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Commercial - Convenience Store</td>
<td>Neighbourhood Commercial ‘C1-037” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Stormwater Management Pond</td>
<td>Open Space “OS2” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Street Townhouses</td>
<td>Residential Multiple “RM2” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Street Townhouses</td>
<td>Residential Multiple “RM2-201” 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 proposed zoning will conform to the Glanbrook Official Plan.

   (iv) The proposal is compatible with the existing and planned development in the immediate area.
(v) It is a logical extension of the “Community Core Designation” on adjoining lands to the north.

2. The applicant submitted two concept plans (Appendix ‘D’ and ‘E’). The Urban Design Guidelines within the Binbrook Village Secondary Plan state that buildings should have a strong, pedestrian-friendly street presence. As such, staff would recommend that concept A1-A (Appendix “D”) be brought forward at the Site Plan Approval Stage.

3. The applicant has applied for the following amendments to the Zoning By-law:

- To change the zoning of Block 1 (Appendix “A”) from the Existing Residential “ER” Zone to the General Commercial “C3-225” Zone.

- To change the zoning of Block 2 (Appendix “A”) from the Residential Multiple “RM3-202” to the General Commercial “C3-225” Zone.

The modifications to the General Commercial ‘C3’ Zone include the following:

- Limit the range of uses permitted in the ‘C3’ Zone by eliminating the following uses; Boat and/or motorized snow vehicle sales establishments, Brewers Retail stores, building supply sales in wholly enclosed buildings, cold storage locker establishments, commercial schools, custom workshops, dairies, department stores, dry cleaning establishments, farm equipment sales establishments, funeral homes, garden centres, hotels, laundries, Liquor Licence Board of Ontario stores, medical centres, motels, new and used motor vehicle dealerships, motor vehicle rental and leasing, photographic studios, places of entertainment or recreation, post offices, printing establishments, private or commercial clubs, public and private parking lots and structures, public transportation depots, recreational vehicle sales establishments, service shops, taverns, taxi establishments, and veterinary service establishments.

- Permit residential units on the ground floor only where 50% of the floor area is combined with a permitted commercial use also having 50% of the floor area.

- Require residential units above the commercial uses permitted on the ground floor.

- Delete the maximum lot coverage provision of 50%.

- Delete the maximum gross floor area provision of 150%.

- Reduce the minimum front yard requirement from 9.0 metres to 3.0 metres.
• Reduce the minimum flankage side yard on a corner lot from 7.5 metres to 3.0 metres.

• Reduce the minimum parking space size from 2.7 metres x 6.0 metres to 2.6 metres x 5.5 metres.

• Reduce the parking ratio for the commercial uses from 1 space per every 28 square metres to 1 space per every 30 square metres.

• Parking for the residential use shall be at a rate of 1.25 space per residential unit, whereas 1.5 spaces per unit is required.

• One loading space shall be required and shared for the residential and commercial uses.

• Visitor parking shall be shared with the commercial parking spaces.

• Increase the minimum landscaping strip adjacent to a residential zone from 4.5 metres to 6.0 metres in width.

• Reduce the minimum landscaping strip abutting a street from 4.5 metres to 3.0 metres in width.

• Increase the distance from any outside storage or display area to a residential use from 4.5 metres to 6.0 metres.

Staff can support all of the requested modifications as they will allow for an appropriate, compact urban form of development on the subject lands that is envisioned by the Binbrook Village Secondary Plan and Binbrook Urban Design Guidelines. Further, the modifications allow for an adequate buffer between the proposed development and the residential uses to the west.

4. The main concerns raised by six adjacent residents (Appendix “F”) in response to the Public Consultation Process deal with the proposed commercial uses being adjacent to their rear yards.

To address the resident’s concerns, the minimum landscaping strip adjacent to the residential zone was increased from 4.5 metres to 6.0 metres. In addition, the location of any outside storage or display from a residential use was increased from 4.5 metres to 6.0 metres. A privacy fence having a minimum height of 1.8 metres will also be required along every portion of any lot line that abuts a Residential Zone, or where the adjoining land is used for residential purposes.
The types of commercial uses permitted in the “C3-225” Zone have been limited to Banks and Financial Institutions, Day Nurseries, Professional and Business Offices, Personal Service Shops, Retails Stores, and Restaurants (excluding an outdoor patio and drive-thru). In addition, the By-law will require residential units above the first floor.

The height of the proposed mixed-use building was also a concern. The current Residential Multiple “RM3” Zoning allows for a maximum height of 10.7 metres. The proposed “C3-225” zoning will remain at a maximum height of 10.7 metres.

Also, the development of the proposed mixed-use building is subject to Site Plan Control. In accordance with the Secondary Plan criteria, matters such as landscaping, parking, lighting, height, and urban design will be reviewed at the site plan stage. Staff is of the opinion that the above concerns can be adequately addressed through the site-specific zoning and Site Plan Control.

5. There is an existing 450mm storm sewer, a 750mm sanitary sewer and 400mm watermain located on Windwood Drive. Private sewer and water drain laterals have been constructed to the limits of the property to service Block 80.

The engineering stormwater and sanitary drainage area design drawings for the “Elizabeth Gardens - Phase 1” subdivision were approved based on a multi-residential use for Block 80 (i.e. block townhouse development). A revised servicing report, including stormwater and sanitary drainage calculations, was submitted to ensure that the downstream sewers will not be impacted by the change in the proposed land use. Development Engineering staff are satisfied with the revised report and further details will be reviewed at the Site Plan Approval Stage.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, Block 1 (Appendix “A”) can only be used for a single family dwelling and Block 2 (Appendix “A”) for a Multiple Residential Development.

**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 applications for an Official Plan Amendment and change in Zoning.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines a wide range of urban uses, defined through Area Municipal Plans and based on full municipal services, will be concentrated in Urban Areas. Therefore, as the nature of the application is proposing the development of a mixed-use building where full municipal services are available, the proposal is consistent with the policies of the Hamilton-Wentworth Official Plan.

Glanbrook Official Plan

The subject lands are designated “Binbrook Community Core” and “Residential” on Schedule ‘A’ Land Use Plan, and “Community Core” and “Medium Density” Residential on Schedule ‘B’ Land Use Plan of the Binbrook Village Secondary Plan in the Glanbrook Official Plan. The applicant is proposing to amend the portion of the lands designated “Residential” to “Community Core” (Block 2 – Appendix “A”) in order to permit the development of a mixed use building. The following policies, among others, are currently applicable to the subject property:

“B.2.2.3.3.1  Residential - General

(a) Development shall proceed on the basis of providing for a total ultimate population of approximately 15,000 persons.

(b) Housing opportunities must be responsive to a variety of housing needs. Council is committed to encouraging a variety and balance of housing opportunities suitable to a wide range of housing needs.

(c) Provide a variety and mix of housing types, including, but not restricted to, single detached, semi-detached, duplexes, townhouses, quatroplexes and apartment dwellings, as well as special needs housing.

(d) Council encourages innovative housing ideas.
B.2.2.3.3.6 Design Guidelines - Residential

(a) Binbrook Village should consist of a mix of building types, sizes, designs and provide a range of living choices.

(e) Buildings should have a strong, pedestrian-friendly street presence.

B.2.2.3.7.1.3 Community Identity

(a) The Community Core shall provide an enhanced and interrelated visual experience along Binbrook Road and Regional Road 56 by promoting an attractive streetscape and buildings in a well-landscaped setting, as well as greater architectural detail in individual buildings.

(b) The Community Core shall have clearly defined edges.

B.2.2.3.7.1.4 Building Orientation

(a) Principal buildings shall be encouraged to locate close to the streetline with minimum setback from the edge of the road allowance and minimum separation between buildings to provide for a more intimate streetscape.

(b) New development should address the street line in a more prominent fashion to create a more pleasant and attractive pedestrian experience and to facilitate interaction between different activities. Measures to accomplish this, which should be considered, include: bringing buildings closer to the street line by encouraging smaller front yard setbacks, providing wide sidewalks and utilizing attractive landscaping along the street edge to more clearly define the public and private spheres.

(c) New buildings should take the form of smaller buildings, which exhibit a human scale and building rhythm. Common design features, such as pitched roofs and eaves, should be encouraged in new commercial buildings. Square or flat rooftops on buildings should be avoided.

(d) Buildings should be of a human-scale, in the range of 1 to 3 storeys.
SUBJECT: Application for an Amendment to the Glanbrook Official Plan, and for Changes in Zoning for the Lands Located Within Block 80, Plan 62M-1035, and 3206 Regional Road 56, in the Former Township of Glanbrook (Binbrook) (PED07253) (Ward 11) - Page 10 of 11

(e) Principal building facades should be oriented toward the public street and not parking lots or other areas.

B.2.2.3.7.1.5 Parking

(a) Consideration should be given to locating main off-street parking areas to the rear of buildings.

(d) On-site parking shall be encouraged to be provided in consolidated parking lots in the centres of blocks. The number of parking lot entrances should be limited.

The proposed Amendment represents an extension to the “Community Core” designation within the Binbrook Village Secondary Plan, while maintaining a residential component. The proposal incorporates the Design Guidelines in terms of community identity, building orientation, and parking, as set out in the Official Plan. As a result, the proposed amendments to the Official Plan will maintain the plan’s general intent.

RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section)
- Public Works Department (Water and Wastewater Division)
- Corporate Services Department (Budget & Fiscal Policy Services)
- Bell Canada
- Hamilton Street Railway

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 91 property owners within 120 metres of the subject lands. A Public Notice sign was also posted on the property in May 2007 and notice of the Public Meeting has been given in accordance with the regulation of the Planning Act.

Six letters (attached as Appendix “F”) were received in response to the pre-circulation letter. Concerns were raised over the type of commercial uses that would be permitted. An analysis of the concerns is 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
The public are involved in the definition and development of local solutions.

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

**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

:DAF
Attachs. (6)
Location Map

Subject Property

- **Block 1:** Change in Zoning from Existing Residential "ER" Zone to General Commercial "C3-225" Zone, Modified.

- **Block 2:** Change in Zoning from Residential Multiple "RM3-202" Zone to General Commercial "C3-225" Zone, Modified.
  Change in Designation from "Medium Density Residential" to "Binbrook Community Core".

Appendix "A" to Report PED07253
Page 1 of 1
Amendment to the Former Township of Glanbrook Official Plan

The following text together with Schedule “A” - Land Use Plan and Schedule “B” – Binbrook Village Secondary Plan, attached hereto, constitute Official Plan Amendment No. xxx of the Official Plan of the former Township of Glanbrook.

**Purpose:**

The purpose of this Amendment is to redesignate the subject lands from “Medium Density Residential” to “Binbrook Community Core” in order to allow for a mixed-use commercial/residential development.

**Location:**

The land affected by the Amendment is located in Binbrook Village in the former Township of Glanbrook. The lot is located on the northwest corner of Regional Road 56 and Windwood Drive.

**Basis:**

The intent of the Amendment is to permit the development of a mixed use building. The basis for the redesignation is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement policies that focus growth in settlement areas;
- The proposed amendment is considered to be compatible with the existing and proposed development in the area; and,
- The proposed amendment creates a logical extension of the existing Community Core designation.
Actual Changes

Schedule Changes

1. Schedule “A”, Land Use Plan, to be revised by redesignating the subject lands from “Residential” to “Binbrook Community Core”, and identifying the subject land as OPA No. xx as shown on the Schedule A attached to this Amendment.

2. That Schedule “B”, Binbrook Village Secondary Plan, to be revised by redesignating the subject lands from “Medium Density Residential” to “Community Core” as shown on the attached Schedule B to this Amendment.

Implementation:

An implementing Zoning By-law Amendment gives effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. _____, passed on the xx day of xxx, 2007.

The City of Hamilton

________________________________________  __________________________________________
MAYOR                                      CLERK
Fred Eisenberger                            Kevin Christenson
Appendix “C” to Report PED07253
Page 1 of 5

Authority: Item 114, Economic Development and Planning Committee
Report 07-148 (PED07148)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located within Block 80, Plan 62M-1035
and 3206 Regional Road 56, Binbrook Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 Corporation of the Township of Glanbrook" 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 of the former area municipalities 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton in adopting Section __ of Report of the Economic Development and Planning Committee at its meeting held on the day of __, 2007, recommended that Zoning By-law No. 464 (Glanbrook), 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 Township of Glanbrook Official Plan), upon approval of Official Plan Amendment No. __.

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

1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook) is hereby amended as follows:
(a) by changing from the Existing Residential “ER” Zone to the General Commercial “C3-225” Zone, the lands comprised of Block 1;

(b) by changing from the Residential Multiple “RM3-202” Zone, to the General Commercial “C3-225” Zone, the lands comprised of Block 2;

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

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding the following new special provisions:

“C3-225

Notwithstanding the regulations of Subsection 25.1 PERMITTED USES of SECTION 25: GENERAL COMMERCIAL “C3” ZONE, only the following uses shall be permitted and only on the ground floor of a mixed-use building for those lands zoned “C3-225”:

- Banks and Financial Institutions;
- Day Nurseries;
- Office;
- Professional and Business Offices;
- Personal Service Shops;
- Retail Stores, excluding those specific retail uses listed in Section 25.1(a);
- Fast Food Restaurant, excluding an outdoor patio and drive-thru;
- Take-out restaurant, excluding an outdoor patio and drive-thru;
- Standard Restaurant, excluding an outdoor patio and drive-thru; and,
- Residential units on the ground floor having 50% of the floor area combined with a permitted commercial use having 50% of the floor area.

In addition to the foregoing, residential units shall be required above any use permitted on the ground floor.

Notwithstanding the regulations of paragraphs (d), (e), (f), (g), (j), (k), (l) and (m) of Subsection 25.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)
OF SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL “C3” ZONE,
for those lands zoned “C3-225”, the following regulations shall apply:

(d) Maximum Lot Coverage N/A
(e) Maximum Gross Floor Area N/A
(f) Minimum Front Yard 3.0 metres
(g) Minimum Side Yard 3.0 metres, except:

(i) 7.5 metres abutting a side lot line which is the boundary of any Residential Zone, or where a ground floor residential use is located on the adjoining lands.

(j) Minimum Parking Requirements

(i) The parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres;

(ii) Parking spaces shall be provided at a rate of 1.25 spaces per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for commercial uses; and,

(iii) Visitor parking shall be shared with the commercial parking space.

All other requirements shall be pursuant to the provisions of Subsection 7.35 of this By-law.

(k) Minimum Loading Requirements

(i) 1 loading space shall be required and shared for the residential and commercial uses.

(l) Minimum Landscaping Requirements

(i) A landscaped area in the form of a planting strip having a minimum width of 6.0 metres and a fence having a minimum height of 1.8 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential use.
(ii) A landscaped area having a minimum width of 3.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for required driveway(s).

(m) Outside Storage and Display

(i) Outside Storage and display areas shall not be permitted less than 6.0 metres from any street and/or the boundary of any Residential Zone or any Zone where the adjoining land is used for residential.

(ii) Outside storage areas shall be screened from view and enclosed with a fence having a minimum height of 1.8 metres”.

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 “C3” District provisions, subject to the special requirements referred to in Section 2 of this By-law.

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 , 2007.

__________________________________________  __________________________
MAYOR                      CLERK
Fred Eisenberger            Kevin Christenson

ZAC-07-021
This is Schedule "A" to By-Law No. 07-
Passed the ........... day of .................., 2007

Schedule "A"
Map Forming Part of By-Law No. 07-____
to Amend By-law No. 464

Subject Property

- Block 1:
  Change in Zoning from Existing Residential "ER" Zone to General Commercial "C3-225" Zone, Modified.

- Block 2:
  Change in Zoning from Residential Multiple "RM3-202" Zone to General Commercial "C3-225" Zone, Modified.
Fama, Danielle

From: Janet Blakely
Sent: Saturday, March 17, 2007 6:24 AM
To: Fama, Danielle
Subject: Official Plan Amendment OPA-07-03

Dear Daniella,
Thank you for the opportunity to comment on the proposed redesignation of the land at the corner of Windwood Drive and Hwy 56.
We live at 7 Voyager Pass. We are absolutely against the proposed changes from residential to commercial...... regardless of the type of commercial. From our backyard, we are able to see this location. We have paid a high premium for our new Losani home to enable us to back onto green space and ponds. Any commercial development in the area would seriously detract from this. As well, we would expect that the value of our home would be significantly effected. We bought our home with the knowledge that this would not be a commercial area. This redesignation goes completely against this.
As well, we are disappointed in the lack of walking areas. It is impossible to walk into 'town' from where we live. Perhaps some consideration could be given to a parkette in this location instead and sidewalks along Hwy 56.
Let's keep this area as 'green' as possible.
Thank you for your time, Janet and Steve Blakely
Hi Danielle.

I would like to make a comment about the proposed amendment. I have some concern about the type of Commercial development as I back onto that site. I have heard rumors of a gas station and Tim Hortons and certainly that traffic volume would depreciate our property value and inconvenience many residents. Please keep me informed of the situation.

With thanks,
Jim McDonald
15 Voyager pass
Binbrook
Fama, Danielle

From: Leslie and Doug McKee
Sent: Tuesday, April 03, 2007 7:44 PM
To: Fama, Danielle
Subject: Binbrook Zoning

Attn: Danielle Fama

Hello. My name is Doug McKee and I bought a townhouse unit in the Losani Homes in Binbrook with my fiance, Leslie Byers. We purchased our first new home together back in Feb of '06 and moved in Thanksgiving weekend. We fell in love with the home and the area. I did inquire on more than a few occasions about the area behind our home. We are located on Magnificent Way, and there is currently a large area behind us that currently stores Losani equipment as well as a work trailer. We were assured every time that the area was zoned for residential, and would positively not be used for commercial property. We did have 2 choices of property’s, the other situated a little bit north of where we are now. After mulling over which home to choose, we preferred our current location, and therefore purchased it. We were again reassured that the area directly behind us would not be commercial property. I was shocked to recently learn that the area is now being considered for commercial property. There is no way that we would have purchased this particular model if we had known this. I in no way want to live behind any sort of plaza or god forbid, a Tim Horton’s lot. I have spoken to many people who's backyard backs onto such a lot. They complained of excessive noise from both vehicles and people "hanging out" in the lot behind them. They mentioned garbage being thrown into their yard, not to mention exhaust fumes from idling vehicles in drive thru’s. I am very disappointed to learn that our new home may now not be as promised. We will be strongly considering moving from this area if commercial zoning takes place behind our back yard. We understand that this is an expanding area, and we were prepared for that. We were not however, prepared to be misguided. If we had known what the potential plans were, we would have chosen a different location. Thank you for reading and considering.

Doug McKee/Leslie Byers
10 Magnificent Way
Binbrook
Fama, Danielle

From: lza kaz
Sent: Thursday, April 05, 2007 12:31 PM
To: Fama, Danielle
Subject: Binbrook construction

To Whom it May Concern,

My husband Christian Aldana and I Isabell Aldana had purchased a home at 8 Magnificent Way in Binbrook. Our backyard faces Highway 56. When we had purchased our home we had been told that the vacant property behind us is owned by Losani and condominium townhomes are scheduled to be built on the property. Now we have heard that the property might be zoned for commercial. If that were the case in the beginning we would have not purchased the home. By having commercial property behind our home it will decrease our property value and the noise level will also increase. We are strongly opposed of having anything commercial being built behind our home. We hope that the zoning will stay as residential.

Sincerely

Christian and Isabell Aldana
From: T C Fram
Sent: Thursday, April 19, 2007 11:03 PM
To: Fama, Danielle
Subject: Official Plan Amendment Application[File No. OPA-07-03]
Importance: High

We, as homeowners living directly behind the said property, have concerns regarding the proposed Official Plan Amendment to re-designate the subject lands from "Medium Density Residential" to "Binbrook Community Core". When we purchased our property, we inquired on numerous occasions, what would be built on this property. We were advised by the Real Estate Agents that perhaps Losani Homes would be building condominiums. Our concern at that time was that it would be used for commercial purposes. This appears to now be a reality.

We have researched the meaning of "Binbrook Community Core" and understand that landscaping, security, parking, lighting and height and facade of newly constructed buildings has been addressed. We do not have a problem with the overall Plan, our primary concern is that "allowing for a variety of commercial uses" may mean, for example, a strip mall housing a variety store or food establishment or drive-through. It is common knowledge that variety stores and fast-food restaurants become "hang-outs", food establishments generate garbage, which in turn give off offensive odours and attract various pests and other animals. At a recent Public Meeting we were advised that the proposed construction of roundabouts would assist with environmental issues, therefore cars idling at a "drive-through" bank or fast-food establishment, for example, would defeat this purpose. We would have fewer concerns with an erected building housing a variety of services such as medical or other businesses and professions.

Thomas C Fram and Mari Thompson-Fram
4 Magnificent Way
Binbrook ON L0R 1C0
Dear Madame,

I would like to express my disapproval of the re-designating of Block 80, Plan 62M-1035 from Medium Density Residential to Binbrook Community Core. This parcel of land was obviously left vacant by the developer for just such a move! Binbrook has more than enough space zoned for commercial already, and there is no buffer zone between this property and residential development. Any commercial growth should be left to Hwy 66, North of Binbrook Road. We don't need more services in Binbrook, keep the commercial development at the Hwy 20 area!

We are already well served by a General store, grocery store, two hairdressing/barber salons, two video outlets, the Bin should be supported rather than Coffee Shops, two Bars, drugs store, gift shop, hardware store etc.

Any Medical, or personal care type facilities should be integrated into present structures or new buildings which are separate and designed to lend Character to the village.

I don't think we need a strip mall or GAS STATION with bright lights, and late night noise and activity! I don't think most of us moved out here to the country only to bring the city with us!

I would hope that Councillor Mitchell would be of the same mind!

I hope You bring My comments to His attention.

Please keep Me informed, and advise Me of any Meetings!

Thanks!
Stan Majeski
322 Southbrook Dr.
Binbrook, Ontario
L0R 1C0