SUBJECT: Application for a Zoning By-law Amendment for the Lands Located at 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East (Glanbrook) (PED08198) (Ward 11)

RECOMMENDATION:

That approval be given to amended Zoning By-law Application ZAC-07-096, by Ross Martin, owner, for changes in zoning from the Existing Residential “ER” Zone (Blocks “1” and “3”) and the Existing Residential “ER-060” Zone (Block “2”) to the General Commercial “C3-243” Zone, to permit commercial development on the lands known municipally as 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East, as shown on Appendix “A” to Report PED08198, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “H”, of Zoning By-law No. 464.

(c) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for changes in zoning to permit the development of the subject lands for commercial purposes. The proposed zoning would accommodate a range of commercial uses, excluding motor vehicle related uses.

The proposal has merit and can be supported since it is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and conforms to the Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan.

BACKGROUND:

Proposal

The subject lands are currently dual zoned, and the applicant has applied for changes in zoning from the Existing Residential “ER” Zone (Blocks “1” and “3”) and the Existing Residential “ER-060” Zone (Block “2”) to the site-specific General Commercial “C3-243” Zone (see Appendix “A”). The purpose of this application is to permit the development of two multi-tenant buildings for commercial purposes.

The applicant submitted a concept plan showing the location of the proposed buildings and layout of the proposed parking area (see Appendix “C”). Building “A” is a one-storey, 494 square metre multi-tenant building, and Building “B” is a two-storey, 1,902 square metre multi-tenant building. To ensure the proposal implements the Binbrook Village Urban Design Guidelines, staff, together with the applicant, has determined a number of modifications to the General Commercial “C3” Zone. The proposed modifications are as follows:

- Restrict the range of permitted uses, specifically prohibiting motor vehicle related uses.
- Establish Binbrook Road East as the front lot line.
- Require a maximum front yard setback of 3.0 metres, instead of the minimum required 9.0 metres.
- Reduce the minimum side yard setback abutting the westerly and southerly interior side yards from 3.0 metres to 2.0 metres, and implement a maximum side yard setback of 5.0 metres abutting the westerly and southerly interior side yards.
- Require a maximum side yard setback of 3.0 metres abutting a street line, instead of the minimum required 7.5 metres.
- Increase the maximum permitted height from 10.7 metres to 10.8 metres.
• Reduce the minimum width of a landscaped area abutting a street line from the required 4.5 metres to 3.0 metres, except where a building is located.

• Require a minimum 3.0 metre wide landscaped area in the form of a planting strip where a parking area abuts a street line.

• Reduce the minimum width of a landscaped area abutting an Institutional Zone from the required 4.5 metres to a minimum 2.0 metres.

• Require parking at a rate of 1 space per every 31.5 square metres of gross floor area for commercial uses.

• Reduce the minimum required size of parking spaces from 3.0 metres x 6.0 metres to 2.6 metres x 5.5 metres.

• Modify the size of the barrier free parking spaces from 3.9 metres x 6.0 metres to 4.4 metres x 5.5 metres.

• Reduce the minimum number of required loading spaces from two to one.

Also, staff do not support a number of the applicant’s proposed modifications and, therefore, make the following recommendations:

• Reduce the minimum width of a landscaped area abutting a Residential Zone from the required 4.5 metres to a minimum 3.0 metres, whereas the applicant proposed 1.5 metres adjacent to a Residential Zone.

• Permit parking spaces to be located within 3.0 metres of the boundary of any Residential Zone or 2.0 metres of any Institutional Zone, and within 5.0 metres of a street line, whereas the applicant proposed parking to be located within 1.5 metres of a Residential and Institutional Zone and within 3.0 metres of a street line.

**Details of Submitted Application**

**Location:** 2651 Regional Road 56  
2660 and 2668 Binbrook Road East  
(See Appendix “A”)

**Owner:** Ross Martin

**Agent:** De Filippis Design  
(Nick De Filippis)
SUBJECT: Application for a Zoning By-law Amendment for the Lands Located at 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East (Glanbrook) (PED08198) (Ward 11) - Page 4 of 17

Property Description:

<table>
<thead>
<tr>
<th>Frontage</th>
<th>Area</th>
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<tbody>
<tr>
<td>41.87 metres (Regional Road 56)</td>
<td>4,890 square metres</td>
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<tr>
<td>43.65 metres (Binbrook Road East)</td>
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EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
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<tr>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>Single Detached Dwelling and Flower Shop</td>
<td>Existing Residential “ER-060” Zone</td>
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<tr>
<td><strong>Surrounding Lands</strong></td>
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<tr>
<td>North</td>
<td>Library</td>
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<tr>
<td>South</td>
<td>Proposed Dental Office</td>
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<tr>
<td></td>
<td>Single Detached Dwelling</td>
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<tr>
<td>East</td>
<td>Single Detached Dwelling</td>
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<tr>
<td>West</td>
<td>Vacant - City Owned Land Proposed Municipal Parkette</td>
</tr>
<tr>
<td>Fire Station</td>
<td>Public “P-145” Zone</td>
</tr>
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ANALYSIS/RATIONALE:

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

   (i) The proposal is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe (Places to Grow).

   (ii) The proposal conforms to the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

   (iii) The proposal conforms to the “Binbrook Community Core” Designation of the Township of Glanbrook Official Plan.

   (iv) The proposal implements the “Binbrook Village Community Core Urban Design Guidelines”.


2. The subject lands are designated “Binbrook Community Core” in the Township of Glanbrook Official Plan. The “Binbrook Community Core” designation permits a full range of commercial activities such as retail stores, personal and business services, restaurants, offices, medical centres, cultural, recreational and entertainment facilities, parks, institutions and community facilities to serve the needs of Binbrook Village and the surrounding area. The subject lands are located northeast of the intersection of Regional Road 56 and Binbrook Road East, and border the future municipal parkette, identified as the Village Square (see Appendix “A”). The Village Square will help create an intimate, pedestrian friendly environment and is intended to become a prominent focal point within the community. The proposed design of the subject lands is intended to complement the village square by providing access to future retail and commercial businesses around its perimeter.

3. The subject lands are comprised of three properties that will be consolidated for the purpose of the proposed development. The subject lands have frontage on both Regional Road 56 and Binbrook Road East, and are considered a “through lot”, as per the definition in Zoning By-law No. 464. The applicant has indicated that Binbrook Road East can be considered the front lot line, and for future reference, staff has established Binbrook Road East as the front lot line for the purposes of the amending By-law.

4. The current Glanbrook Zoning By-law No. 464 does not have a Zone category that directly corresponds or implements the “Community Core” land use designation in the Glanbrook Official Plan. The General Commercial “C3” Zone permits a range of uses, such as: vehicle sales establishments, building supply sales, storage facilities, workshops, department stores, farm equipment sales, garden centres, car dealerships, that would generally locate along highways and on larger lots. As such, to ensure the property is developed in a manner that implements the intent of the designation of the Official Plan, the range of permitted uses should be limited to the following:

**PERMITTED USES**

(a) Banks and financial institutions, liquor, beer or wine stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, offices, personal service shops, photographic studios, places of entertainment, post offices, printing establishments, private and commercial clubs, professional and business offices, restaurants (excluding drive-thru), retail stores, service shops, taverns, veterinary service establishment with no outside runs; and uses, buildings and structures accessory to the above permitted uses.

(b) Dwelling units shall only be permitted above the ground floor, except for access.
5. The applicant submitted a concept plan with the application, attached as Appendix “C”, and based on the review of this application staff, together with the applicant, has identified a number of modifications that will be incorporated in the amending By-law. The modifications will implement the “Binbrook Village Community Core Urban Design Guidelines”, and relate specifically to building setbacks, building height, landscaping requirements, as well as parking and loading requirements, which are discussed below.

Urban Design - Building Setbacks and Height Requirements

The proposed reductions to front yard and side yard setbacks are as follows:

- Require a maximum front yard setback of 3.0 metres, whereas the Zoning By-law requires a minimum 9.0 metres.

- Reduce the minimum side yard setback abutting the westerly and southerly interior side yards to 2.0 metres, and implement a maximum side yard setback of 5.0 metres abutting the westerly and southerly interior side yards, whereas the Zoning By-law requires a minimum 3.0 metres.

- Require a maximum side yard adjacent to a street line of 3.0 metres, whereas the Zoning By-law requires a minimum 7.5 metres.

The proposed yard reductions along Binbrook Road East and Regional Road 56 will allow for an intimate and attractive streetscape with principal building facades orientated towards the street. The implementation of maximum front yard and interior side yard setbacks along the Village Square and the street line also encourages retail space fronting onto the public space, and will help establish the Village Square as a main focal point in the Community Core. Staff has requested that a 2.5 metre setback be provided and maintained to any door fronting along the Village Square to ensure the pedestrian sidewalk is not obstructed when doors are opened. The applicant is agreeable to this recommendation. Therefore, staff can support the requested modifications since they will allow for a street-orientated, pedestrian friendly form of development that is envisioned by the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines.

The applicant is also proposing an increase in the maximum permitted height to 10.8 metres for the principal building, whereas the By-law permits a maximum height of 10.7 metres (see Appendix “D”). Staff supports the increase in height as it is minor, and the proposed buildings will be designed with prominent focal features that will contribute to the overall character of the village. The use of vertical elements, such as a tower feature and varied roof lines, provide visual interest and implement the principles of the urban design guidelines.
Landscaping Requirements

The applicant is proposing to reduce the minimum width of a landscaped area abutting a Residential Zone to 1.5 metres, and reduce the minimum width of a landscaped area abutting an Institutional Zone to 2.0 metres and provide no privacy fence, whereas the Zoning By-law requires a minimum landscaped area 4.5 metres in width with a 1.8 metre privacy fence to be provided and maintained adjacent to any Residential or Institutional Zone, or where the adjoining land is used for residential or institutional purposes. The lands to the east of the proposed development are currently designated “Binbrook Community Core”, however, they are zoned Existing Residential “ER” Zone. Staff is of the opinion that the proposed 1.5 metres landscape strip is not appropriate as sufficient landscaping and buffering cannot be accommodated. As such, staff recommends a minimum 3.0 metre landscape strip with a 1.8 metre privacy fence adjacent to the existing residential use is more appropriate since tree plantings and shrubs can be accommodated and the privacy fence will provide an additional buffer. Furthermore, the Council approved Site Plan Guidelines indicate that landscape strips should be at least 3.0 metres wide to sustain tree plantings and shrubs. The applicant has proposed a 2.0 metre landscaped area adjacent to the institutional use (public library) to the north. Staff supports the proposed reduction as it will provide sufficient landscaping for aesthetic purposes, while the location of the existing building and existing landscaping on the abutting public library property provides an adequate buffer. A privacy fence will not be required along the northerly lot line (abutting the public library) since it is the intention to create a pedestrian link between the public library and proposed development.

The applicant is proposing to reduce the minimum width of a landscaped area abutting a street line from 4.5 metres to 3.0 metres. The reduction will allow for a street oriented design with sufficient space for street landscaping, as well as provide a pedestrian linkage from the parking area to the building entrance. With the implementation of a maximum 3.0 metres front yard and side yard setback adjacent to a streetline, the width of the landscaped area adjacent to the street will be dependent on the building setback. However, a minimum 3.0 metre landscaped area, in the form of a planting strip, will be required where a parking area is located adjacent to the street line, in order to provide a visual buffer. Staff supports the proposed reduction as it is consistent with the development that is envisioned in the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines.

Parking and Loading

The applicant is requesting to reduce the minimum required size of parking spaces to 2.6 metres x 5.5 metres, whereas the Zoning By-law requires 3.0 metres x 6.0 metres. The reductions can be supported since they are consistent
with the minimum size of parking spaces (2.6 metres x 5.5 metres), as permitted in the New City of Hamilton Zoning By-law No. 05-200.

The applicant is also proposing to modify the minimum required size of a barrier free parking space to 4.4 metres x 5.5 metres, whereas the Zoning By-law requires 3.9 metres x 6.0 metres. The modification can be supported since it is consistent with the minimum size of barrier free parking spaces (4.4 metres x 5.5 metres), as permitted in the New City of Hamilton Zoning By-law No. 05-200.

The applicant is proposing to locate parking spaces within 1.5 metres of the boundary of any Residential Zone, within 2.0 metres of an Institutional Zone, and within 3.0 metres of a street line, whereas the Zoning By-law requires a minimum setback of 4.5 metres adjacent to the boundary of any Residential or Institutional Zone and 7.5 metres from a street line. As previously mentioned, staff is recommending a 3.0 metre landscape strip adjacent to any Residential Zone and a 2.0 metres landscape strip adjacent to any Institutional Zone and, therefore, cannot support the proposal to locate parking any closer than 3.0 metres to lot lines abutting Residential and 2.0 metres to lot lines abutting Institutional Zones. The Traffic Engineering and Operations Section, Public Works Department has advised that 5.0 metre x 5.0 metre vision triangles are required at each vehicular access point. As a result, staff recommends that parking spaces not be permitted to locate closer than 5.0 metres from the street line.

The applicant is proposing a total of 76 parking spaces for the proposed 2,396 square metre commercial development, and a proposed parking ratio of 1 parking space for every 31.5 square metres of gross floor area. The applicant submitted a parking study, which was prepared by Paradigm Transportation Solutions Limited to justify the number of parking spaces proposed. As the proposed uses and occupants of the subject site have not been determined, a potential land use scenario was used. For the purposes of the report, the consultant assumed the following lands uses:

- Building “A” – 232 square metres GFA of medical clinic (1 practitioner)
- Building “A” – 262 square metres GFA of dry cleaning services
- Building “B” – 951 square metres GFA of retail shops (ground floor)
- Building “B” – 951 GFA of offices (second floor)

According to the Minimum Parking Requirements in Glanbrook Zoning By-law No. 464, 105 parking spaces would be required for the potential land use scenario. The parking study concludes that 75 parking spaces would be adequate in light of more recent studies and the Institute of Transportation Engineers (ITE) Parking Generation Guide, the potential for shared parking by different uses on the site, and because the site is located within convenient walking distance of the central area of the village, as well as surrounded by medium and higher density residential areas. Hamilton Municipal Parking
System staff has reviewed the parking study and notes that their evaluation is consistent with the study’s findings. Furthermore, the proposed parking ratio of 1 space per 31.5 square metres of GFA is slightly higher than the parking ratio of 1 space per 30 square metres of GFA established in the New City of Hamilton Zoning By-law No. 05-200.

Based on the foregoing, the proposed reduction in parking is supported. However, staff has removed the medical centre from the list of permitted uses because the parking study did not accurately justify the parking requirements for this use. Glanbrook Zoning By-law No. 464 defines a medical centre as a “building or part thereof used by three or more qualified medical practitioners, dentists, chiropractors, physiotherapists, osteopaths or other drugless practitioners, for public or private medical, surgical physio-therapeutic or other human health purpose, except when included within or accessory to a private or public hospital”. Staff notes that the proposed medical centre as used in the potential land use scenario for the parking study is incorrect because it only specifies one doctor and requires 6 parking spaces, when in fact a medical centre would require a minimum of 18 parking spaces as per the definition. The parking requirement for one medical practitioner is different than that of a medical centre. One practitioner is considered a “professional office” and the parking requirement is much lower (1 space for each 25 square metres of GFA or fraction thereof, with a minimum 4 spaces) than what is required for a medical centre (6 spaces for each physician, dentist or other health practitioner). Therefore, a maximum of four practitioners will be permitted to be located within the proposed commercial development (maximum of two practitioners permitted within each building) on the subject lands under the “professional office” use.

The applicant is proposing one loading space for the proposed commercial development, whereas the By-law requires a minimum of two loading spaces. Based on the list of permitted uses, and the types of proposed uses as indicated by the applicant (mainly retail, and office space), staff is satisfied that sufficient loading will be provided for the proposed development.

In accordance with the Binbrook Village Transportation Master Plan, the ultimate right-of-way width has been identified as 26.21 metres (86 feet) for both Regional Road 56 and Binbrook Road East and a 13.1 metre (43 feet) setback will be required from the centreline of the original road allowance along Regional Road 56. A 15.24 metre (50 feet) setback will be required from the centreline of the original road allowance along Binbrook Road in accordance with the Township of Glanbrook Zoning By-law No. 464. The applicant has advised that an 18.3 metre setback is proposed along Regional Road 56 and an 18.6 metre setback is proposed along Binbrook Road (see Appendix “C”). Redevelopment of the subject lands would be subject to road widening dedications on both Regional Road 56 and Binbrook Road, which would be acquired as a condition of any future site plan control approvals. The applicant/owner will be responsible for all
costs related to the preparation and registration of legal documents and a Reference Plan for the road widenings.

7. There is an existing sanitary sewer, storm sewer and watermain along Binbrook Road, and private sewer and water drain stubs are available at the property line. There is an existing sanitary sewer forcemain, storm sewer and watermain located on Regional Road 56. Building “A” is to be connected to the watermain on Regional Road 56, and Building “B” is to be connected to the watermain on Binbrook Road. As a condition of site plan approval, the owner will be required to provide the City with any outstanding local improvement related costs which are based on the total frontage abutting these respective roadways.

The existing sanitary sewer along Binbrook Road was designed to accommodate future commercial development for Building “B” according to the approved Southbrook on the Green External Sanitary Drainage Area subdivision engineering drawings. Building “A” is located outside of this sanitary sewer drainage area, however, staff will support a temporary connection to the sanitary sewer on Binbrook Road. Upon construction of a new sanitary sewer along Regional Road 56, the owner will be required to disconnect and abandon the sanitary sewer for Building “A” and connect to the future sanitary sewer. As a condition of any future site plan approvals, the owner will be required to enter into a Private Sanitary Sewer Agreement and will also be required to pay the actual construction costs for the sanitary sewer and private drain connection based on the frontage of these lands immediately abutting this roadway.

The existing storm sewers located on Binbrook Road and Regional Road 56 were designed to accommodate roadway stormwater drainage only. As a result, the applicant was required to prepare a stormwater management/servicing brief, including stormwater and drainage calculations to demonstrate how stormwater will be accommodated onsite and to ensure that the downstream sewers will not be impacted by the redevelopment of these lands. The applicant submitted a preliminary stormwater management/servicing brief, and Development Engineering is satisfied that all related issues can be dealt with at the Site Plan Control Stage.

8. Staff received one written response (see Appendix “E”) as a result of the circulation of the application. The response expressed concerns that the removal of the three existing dwellings will alter the streetscape character and the charm of the village. The letter also expressed concerns related to buffering between existing residential dwellings and proposed commercial developments, increased traffic along Binbrook Road East and Regional Road 56, site lighting, the type of commercial uses that will be permitted, and whether additional commercial development is required with all of the commercial development at Rymal Road and Upper Centennial.
Streetscape Character

The concern relates to the replacement of existing dwellings with commercial and mixed use buildings and its impact on the streetscape character of the village. The Binbrook Village Secondary Plan provides policy direction for land use planning and development in the secondary plan area. The plan provides several policies that ensure the design of all new development within the community core will establish an attractive streetscape and is of a human/village scale, including a policy which requires the creation of Design Guidelines specific to the Community Core area. As noted earlier, the proposal has been reviewed against the Township of Glanbrook Official Plan and Binbrook Village Community Core Urban Design Guidelines. Additionally, development of the subject lands is subject to site plan control where the site design and building elevations will be reviewed against the Official Plan and Urban Design Guidelines. As such, staff is satisfied that the proposal will not negatively impact the existing streetscape character.

Retention of Existing Buildings and the Charm of the Village

The concern relates to the loss of existing buildings, and its impact on the “charm of the village”. Provincial legislation only enables municipalities to protect designated “heritage” buildings from demolition via the Ontario Heritage Act. Since the subject lands are not designated, in accordance with the Ontario Heritage Act, and are not identified as being of built heritage interest, the existing buildings may be demolished at any time. However, as noted earlier, development within the “Community Core” of the Binbrook Village Secondary Plan Area is subject to policies and provisions of both the Township of Glanbrook Official Plan and the Binbrook Village Community Core Urban Design Guidelines, which are in place to ensure that the “charm of the village” will be maintained.

Traffic

Concern has been raised regarding the creation of new commercial driveways adjacent to existing single detached residential dwellings. As noted earlier, development of the subject lands is subject to site plan control, where the design and location of the development’s vehicular access points will be further investigated. On the basis of the preliminary concept plan, the proposed accesses are located 7 metres west of the adjacent residential property (see Appendix “C”).

Lighting

The concern relates to the potential for lighting from the proposed development to spill-over into the amenity areas of abutting residential properties. The Council approved Site Plan Guidelines require that lighting from new developments
should be directed on site and should not spill over to adjacent development and
natural areas. This concern will be addressed through the submission of a site
lighting plan as part of any future site plan application.

Types of Commercial Uses

Concern has been raised regarding the types of commercial uses permitted. As
noted earlier, the proposed zoning has been modified to limit the permitted uses
to mixed-use development, retail stores, business and service uses, offices and
community uses to serve the needs of Binbrook Village and the surrounding
area, as envisioned by the Official Plan.

Building Height

The concern relates to the height of the proposed building. The applicant is
proposing a small increase in the maximum height from 10.7 metres to 10.8
metres for the main building. The applicant is also proposing to construct a tower
feature with maximum height of 16.0 metres on the southwest corner of Building
“B”. As previously mentioned, the proposal to increase height is consistent with
the Binbrook Village Community Core Urban Design Guidelines, and staff is
satisfied that this concern has been addressed.

Need for additional Commercial uses

Concern has been raised regarding the need for additional commercial
development with all of the recent commercial development at Rymal Road and
Upper Centennial. The proposal seeks to implement the “Community Core”
designation of the Township of Glanbrook Official Plan, and provide commercial
uses to serve the needs of the existing and planned residents of the Binbrook
Village.

Based on the foregoing analysis, staff is satisfied that all concerns raised have
been addressed.

ALTERNATIVES FOR CONSIDERATION:

In the event Council does not support the proposed changes in zoning, the use of the
subject property would continue to be regulated by the Existing Residential “ER” Zone
and the Existing Residential “ER-060” Zone provisions contained in Zoning By-law No.
464, which permit a single detached dwelling, and a florist and gift shop only within the
existing frame building at the rear of the property.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - N/A.

Staffing - N/A.

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

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in settlement areas.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted. To address this concern, an Archaeological Assessment has been conducted and has been cleared by the Ministry of Culture and the City of Hamilton.

Lastly, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Therefore, the owner/applicant is advised that dependent on the future commercial uses and the location of any associated loading facilities, a noise study may be required as a condition of approval for any future Site Plan Control applications due to the proximity of the site to existing residential uses.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The application is consistent with the intensification policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments.
This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes compact, pedestrian-friendly development within the Urban Area.

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in Urban Areas. As the nature of the application is to change the existing zoning to allow for commercial development within the urban area, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Policy B.9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes the adverse impacts and encourages maintenance and protection. To address this concern, an Archaeological Assessment has been conducted and has been cleared by the Ministry of Culture and the City of Hamilton.

**Glanbrook Official Plan**

The subject property is designated “Binbrook Community Core” on Schedule ‘A’ - Land Use Plan, and “Community Core” on Schedule ‘B’ - Binbrook Village Secondary Plan, in the Township of Glanbrook Official Plan. The following policies of the Township of Glanbrook Official Plan, among others, are applicable to the proposed development:

“B.2.2.2.1 Community Core

(a) To establish the Community Core, centred at the intersection of Regional Road 56 and Binbrook Road, as the main location for mixed-use development, retail stores, business and service uses, offices and community uses such as the library and post office, to serve the needs of Binbrook Village and the surrounding area.

(c) To permit and encourage mixed use commercial/residential uses within the Community Core.

(f) To ensure that the height, bulk, scale and design of new development in the Community Core is street oriented, pedestrian friendly, establishes an attractive streetscape and is of a human/village scale.
(h) To promote enhanced architectural and functional relationships between buildings, structures, landscaping, parking, pedestrian and vehicular access and public streets.

(j) To encourage the Community Core to develop in a coordinated, well designed and aesthetically pleasing manner.

(l) To ensure that all permitted commercial development provides adequate off-street parking, loading and maneuvering space.

(o) To establish Design Guidelines specific to the Community Core area, which identify the principles on which the Core image is based, and set minimum standards for building and design quality. (These Design Guidelines will provide a "handbook" for architects and builders who will ultimately make the Community Core real and ensure the Community Core will be both attractive and functional).

(p) To make the Community Core the identifiable commercial centre of Binbrook Village.

B.2.2.3.7.1.7 Intersection of Regional Road 56 and Binbrook Road

The intersection of Regional Road 56 and Binbrook Road is identified as a prominent Focal Point within the Community Core.

(a) The Township shall be encouraged to develop specific design guidelines for the four (4) corners of this focal point.

(b) The design of this focal point should address both the pedestrian and motorist, and should capitalize on their four-corner exposure.

(c) Proposed buildings and/or streetscape elements should emphasize these four (4) corners as focal points, contributing to the distinctive character of the Community Core.

(d) Buildings should be located close to the front lot line.

(e) Buildings should be appropriately angled right at the intersection to create publicly accessible spaces of high quality, in terms of design and materials, and also to ensure adequate sight lines.

B.2.2.3.7.1.8 Village Square

(a) In order to promote a sense of place for the Community Core, a Village Square shall be provided at the northeast corner of
The proposed development conforms to the Official Plan since it proposes a street orientated, pedestrian friendly form of development, as encouraged by the policies of the Plan. In addition, the zoning has been modified to remove the highway commercial uses, such as motor vehicle related uses, of the General Commercial “C3” Zone and only permit retail stores, business and service uses, offices and community uses that will serve the needs of the Binbrook Village, as envisioned by the Official Plan. In addition, the proposed modifications address issues regarding built form to implement the vision of the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines. Accordingly, the proposal conforms to the plan.

RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Water and Wastewater Division, Public Works Department
- Culture and Recreation Division, Community Services Department
- Capital Planning and Implementation Division, Public Works Department
- Niagara Peninsula Conservation Authority
- Hamilton-Wentworth District School Board
- Bell Canada

The Traffic Engineering and Operations Section, Public Works Department commented that that Binbrook Village Transportation Master Plan identified that a centre median is recommended to be constructed on both Binbrook Road and Regional Road 56, which would likely result in access restrictions to the subject property. The Phase 3 and 4 of the Environmental Assessment has recently been initiated in which the design of Binbrook Road and Regional Road 56 will be considered. The Traffic Engineering and Operations Section has no objection to the proposed change in Zoning, and any issue related to access points can be dealt with at the Site Plan Control Stage.

The Budgets and Finance Division, Corporate Services Department commented to ensure that the owner/applicant is aware of the estimated local improvement commutation amount of $37,727.03 payable at the Site Plan Control stage.

The Forestry and Horticulture Section, Public Works Department has identified that there are Municipal Forestry concerns, and that there are fourteen Municipal Tree Assets located along the frontages of Binbrook Road East and Regional Road 56. A Tree Management Plan prepared by a Landscape Architect will be required as a condition of approval at the Site Plan Control Stage.
Public Consultation

In accordance with the new provisions of the Planning Act and the Public Participation Policy that was approved by Council, Notice of Complete Application and Preliminary Circulation was circulated to 172 property owners within 120 metres of the subject property on January 23, 2008. To date, one formal response has been received (Appendix “E”), which is discussed in the Analysis/Rationale section of the report (Comment 8).

Further, a Public Notice sign was posted on the property on January 25, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

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 is involved in the definition and development of local solutions and the proposal provides for a compact, pedestrian friendly form of development in the Binbrook Village Community Core.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposal is within the Urban Area relieving pressure to expand into the Rural Area.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The proposal will attract a range of commercial uses to the Binbrook Village Community Core.

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

:JD
Attachs. (5)
Appendix “A” to Report PED08198

Location Map

File Name/Number: ZAC-07-096
Date: August 12, 2006

Subject Property
2651 Regional Road 56, 2660 Binbrook Road East & 2668 Binbrook Road East

- Block 1 - Change in Zoning from the Existing Residential "ER" Zone to the General Commercial "C3-243" Zone.
- Block 2 - Change in Zoning from the Existing Residential "ER-060" Zone to the General Commercial "C3-243" Zone.
- Block 3 - Change in Zoning from the Existing Residential "ER" Zone to the General Commercial "C3-243" Zone.

Ward 11 Key Map
CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City Of Hamilton”;

AND WHEREAS the City Of Hamilton is the successor to certain area municipalities, including the former 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 Item ____ of Report ____ of the Economic Development and Planning Committee at its meeting held on the ____ day of ____ , 2008, recommended that Zoning By-law No. 464 (Glanbrook), 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 Township of Glanbrook);

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 amended:
(a) by changing from the Existing Residential “ER” Zone to the General Commercial “C3-243” Zone, the lands comprised of Blocks “1” and “3”; and,

(b) by changing from the Existing Residential “ER-060” Zone to the General Commercial “C3-243”, the land 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 the By-law”, of Zoning By-law No. 464, be amended by adding a new special provision, “C3-243”, as follows:

“C3-243” 2651 Regional Road 56, and 2660 and 2668 Binbrook Road

For the purposes of this By-law, the lot line that abuts Binbrook Road East shall be deemed to be the front lot line, and the lot line that abuts Regional Road 56 shall be deemed to be a side lot line.

Notwithstanding SECTION 25: GENERAL COMMERCIAL “C3” ZONE, Subsection 25.1 - PERMITTED USES, the uses permitted on the lands zoned “C3-243”, shall be limited to:

(a) Banks and financial institutions, Brewers Retail stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, Liquor License Board of Ontario stores, offices, personal services shops, photographic studios, places of entertainment, post offices, printing establishments, private or commercial clubs, professional and business offices, fast food restaurants (excluding drive-thru), standard restaurants (excluding drive-thru), take-out restaurants (excluding drive-thru), retail stores, service shops, taverns, and veterinary service establishments with no outside runs; and uses, buildings and structures accessory to the above permitted uses.

(b) Dwelling units shall only be permitted above the ground floor, except for access.

Notwithstanding the regulations of SECTION 8: GENERAL COMMERCIAL “C3” ZONE, Subsection 25.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1, Clauses (f), (g), (i), (j)(iv) and (l), the following regulations shall apply to the lands zoned “C3-243”;

(f) Maximum Front Yard............................................................ 3.0 metres

(g) Minimum Side Yard ......................................................... 3.0 metres, except:
(i) A minimum 2.0 metre and maximum 5.0 metre setback for the westerly and southerly interior side yards.

(ii) A minimum 2.5 metre setback shall be provided and maintained to any door fronting onto the westerly and southerly interior side yards.

(iii) A maximum 3.0 metre setback for the side yard abutting the flankage street line.

(i) Maximum Height ......................................................... 10.8 metres

(j) Minimum Parking Requirements

(iv) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 5.0 metres of a streetline, or within 3.0 metres of the boundary of any Residential Zone or any Zone where the adjoining land is used for residential purposes, or within 2.0 metres of the boundary of any Institutional Zone or any Zone where the adjoining land is used for institutional purposes.

(l) Minimum Landscaping Requirement

(i) A landscaped area in the form of a planting strip 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 Residential Zone or any Zone where the adjoining land is used for residential purposes, and a minimum width of 2.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts an Institutional Zone or any Zone where the adjoining land is used for institutional purposes. A visual barrier having a minimum height of 1.8 metres shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone or any Zone where the adjoining land is used for institutional purposes.

(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, except where a building is located, and such landscaped area shall be continuous except for the required driveway(s).

(iii) A landscaped area, in the form of a planting strip having a minimum width of 3.0 metres, shall be provided and thereafter maintained adjacent to any parking area that abuts a street line.
Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.35 - MINIMUM PARKING REQUIREMENTS, Clauses (a)(vii), (xv)(B), and (b), the following regulations shall apply to the lands zoned “C3-243”:

(a) General Provisions

(vii) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres.

(xv) In all Zones, parking spaces for the physically handicapped shall be assigned to the required number of parking spaces where a minimum of ten (10) parking spaces are required, as follows:

(B) The assigned space or spaces shall be the required spaces located nearest building entrances; each space shall have a minimum width of 4.0 metres and a minimum length of 5.5 metres.

(b) Off-Street Parking Space Requirements

(i) Parking spaces shall be provided at a rate of 1 space per residential dwelling unit, and 1 space per every 31.5 square metres of gross floor area for any commercial use.

(ii) Visitor parking shall be shared with commercial parking spaces.

Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.36 - MINIMUM LOADING REQUIREMENTS, clause (b) the following regulations shall apply to the lands zoned “C3-243”:

(a) Off-Street Loading Requirements

A minimum of one (1) loading space shall be provided and maintained.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “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 [ ], 2008.

__________________________  ________________________
Fred Eisenberger           Kevin C. Christenson
Mayor                     Clerk

ZAC-07-096
Appendix "B" to Report PED08198
(Page 6 of 6)

This is Schedule "A" to By-Law No. 08-
Passed the .......... day of ......................, 2008

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 08-_____
to Amend By-law No. 464

Subject Property
2651 Regional Road 56, 2660 Binbrook Road East &
2668 Binbrook Road East

- Block 1 - Change in Zoning from the Existing
  Residential "ER" Zone to the General
  Commercial "C3-243" Zone.

- Block 2 - Change in Zoning from the Existing
  Residential "ER" Zone to the General
  Commercial "C3-243" Zone.

- Block 3 - Change in Zoning from the Existing
  Residential "ER" Zone to the General
  Commercial "C3-243" Zone.

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton
February 11, 2008

Jennifer d’Andrade
City of Hamilton
Planning and Economic Development Department
Planning Division - Development Planning - East Section
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

Dear Ms. D’Andrade:

Re: File ZAC-07-096 - 2651 Regional Road 56, 2660, 2668 Binbrook Road East, Glanbrook

We are writing in response to the Notice of Application for Zoning By-law Amendment we received in regard to 2651 Regional Road 56 and 2660, 2668 Binbrook Road East, Glanbrook:

We wish to make the following comments and express our concerns as follows:

1. We have always been led to believe by the City of Hamilton (in attending the various information sessions about the new residential developments) that the village would remain “as is” and all future commercial development in the village core would have to be conducted in the current existing buildings. We have seen two instances of this with a veterinarian office and a dental office both moving into existing residences. We understand one other residence is being converted into a physician’s office. In all cases these conversions to commercial property retained the existing dwelling as is and, in fact, enhanced the look of the neighbourhood by undergoing exterior renovations and landscaping while maintaining the look of a “residence”.

2. The proposed zoning application involves removing at lease three existing houses which will change the streetscape of older homes and churches and is inconsistent with the City’s statements and promises of preserving the existing dwellings.

3. There are currently three re-zoning application signs all in the same corner of Binbrook. The subject application, an application at the south west corner of Binbrook Road and Highway 56 which also involves removal of three homes and an application at the north west corner of Binbrook Road and Tanglewood Drive which involves removing one house.

4. While we realize these applications are all by different developers, they must be taken into account together as they will greatly affect the look of the village as, all in all, at least seven existing homes will be removed, some of which are older brick homes and a big part of the “charm” of the village.
5. Our home is located on Binbrook Road and will be one of the three or four homes left between two potential commercial developments.

6. Should these developments be allowed, what kind of buffer will be required between the commercial property and the residential properties? A small residential enclave surrounded by new commercial buildings severely affects the streetscape of the village of Binbrook.

7. We have concerns about traffic - we imagine it will be more difficult to get into and out of our driveway with commercial driveways so close. We have also heard much about “traffic calming” in the village and other than a traffic circle at the east end of Binbrook along Binbrook Road, no traffic calming has been done. Regional Road 56 is a dangerous road and the intersection of Binbrook Road and Regional Road 56 is especially dangerous. A great number of vehicles run the red light, especially transport trucks who do not want to or cannot stop in time. Adding a number of vehicles turning into and out of driveways so close to the intersection will only increase the danger of the intersection.

8. We have concerns about lighting - will exterior lights be on 24 hours a day and affect the lighting in our yard?

9. What kind of commercial use will be allowed? The zoning application is unclear. It states “two commercial buildings consisting of approximately 2,400 square metre of gross floor area”. Does that mean each building will be 2,400 square metres or is that a combined total? Will the buildings be more than one storey?

10. There is a booming commercial area along Rymal Road and Upper Centennial. Is it necessary to commercialize a large portion of the village of Binbrook as well?

11. The developers of the new residential areas in Binbrook are selling the new homes as a move to a small village with lots of “charm”. The village will no longer have any “charm”.

12. If homes are destroyed and new commercial buildings allowed, the City is effectively destroying a village which has stood for more than 100 years.

We would like to receive any future planning department reports including staff reports affecting these lands, and be advised of any meeting being held in regard to the zoning application.

Ron and Elly Davidson
P.O. Box 285
2646 Binbrook Road
Binbrook, ON L0R 1C0