SUBJECT: Applications for Amendments to the Hamilton Official Plan and Zoning By-laws for Lands Located at 460 Rymal Road West, (Hamilton) (PED07151) (Ward 8)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-07-01, 1080943 Ontario Inc., (Restivo, Lanza and Yachetti), owners**, for a change in designation on Schedule “A” – Land Use Concept of the City of Hamilton Official Plan, from “Commercial” to “Major Institutional”, on lands located at 460 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07151, on the following basis:

(i) That the subject lands be redesignated from “Commercial” to “Major Institutional”.

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07151, be adopted by City Council.

(iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning Application ZAC-07-001, 1080943 Ontario Inc., (Restivo, Lanza and Yachetti), owners**, for a change in zoning from the “G-4/S-1330a” (Designed Neighbourhood Shopping Area) District, Modified in By-law No. 6593, to the Major Institutional (I3) Zone in By-law No. 05-200, to permit a retirement home for lands located at 460 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED07151, subject to the following:

(i) That the subject lands are to be zoned Major Institutional “I3” Zone in Zoning By-law 05-200.
SUBJECT: Applications for Amendments to the Hamilton Official Plan and Zoning By-laws for Lands Located at 460 Rymal Road West, (Hamilton) (PED07151) (Ward 8) - Page 2 of 8

(ii) That the draft By-law, attached as Appendix “C” to Report PED07151, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until such time as a Noise Study has been completed to the satisfaction of the Director of Development and Real Estate, and an Archaeological Assessment has been completed to the satisfaction of the Director of Development and Real Estate and the Ministry of Culture.

(iii) That upon finalization of the implementing By-law, the Falkirk East Neighbourhood Plan be amended to change the designation of the subject lands from “Commercial” to “Major Institutional”.

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

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the Official Plan Amendment and Zoning Applications is to facilitate the development of the lands for a three storey, 120 unit Retirement Home (Appendix “D”) on the lands located at 460 Rymal Road West. An amendment to the Neighbourhood Plan is also required.

The proposal has merit and can be supported since the Official Plan Amendment and change in zoning are consistent with the Provincial Policy Statement, and conform with the Hamilton-Wentworth Official Plan. The proposed use is compatible with existing and planned development in the area.

BACKGROUND:

Proposal

The applications are to permit the future development of the subject lands for a three storey, 120 unit retirement home. The concept site plan is shown in Appendix “D”. The proposed Major Institutional “I3” Zoning permits this use and a range of other institutional uses and medium density residential uses that are referenced on Page 4 of this report.
The Concept Plan (site plan) will require revisions to the setbacks of the parking spaces from a street line (from 1m to 3m) and to the size of the Barrier Free parking spaces in order to comply with the new Major Institutional “I3” Zone. All other details of the Concept Plan appear to comply with the City’s new “I3” Zone. A total of 48 parking spaces are required for the development and the concept plan provides 80 spaces.

**Location:** 460 Rymal Road West (see Appendix “A”)

**Owner:** 1080943 Ontario Inc. (Restivo, Lanza and Yachetti)

**Applicant:** Reichmann’s Acquisition’s Corp.

**Property Description:**

- **Frontage:** 52.68m
- **Depth:** 151.47m
- **Total Land Area:** 0.8 ha (1.9 acres)

**Existing Land Use and Zoning:**

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Land:</td>
<td>Vacant</td>
</tr>
<tr>
<td></td>
<td>“G-4/S-1330a” (Designed Neighbourhood Shopping Area) District, Modified</td>
</tr>
</tbody>
</table>

**Surrounding Land:**

<table>
<thead>
<tr>
<th>North</th>
<th>Residential (single-detached)</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>Residential (single-detached)</td>
</tr>
<tr>
<td>South</td>
<td>Residential (single-detached) and Vacant</td>
</tr>
<tr>
<td>East</td>
<td>Institutional (woodlot &amp; senior’s residence)</td>
</tr>
</tbody>
</table>

|                   | “C” (Urban Protected Residential, etc) District |
|                   | “C” (Urban Protected Residential, etc) District |
|                   | “AA” (Agricultural) District |
|                   | “DE-‘H’/S-1301” and “DE/S-664b” (Low Density Multiple Dwellings-Holding) Districts, Modified |

**ANALYSIS/RATIONALE:**

1. The proposed Official Plan Amendment and change in zoning have merit and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in settlement areas.
ii) They conform to the Hamilton-Wentworth Official Plan.

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

2. **Official Plan Amendment**

The effect of the Amendment is to change the designation of the subject property from “Commercial” to “Major Institutional” use. The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement and conforms to the former Region of Hamilton-Wentworth Official Plan.

- The proposal provides for a needed community establishment that will enhance the welfare of the general community.

- The proposed location between major arterial roads and low density residential uses, and adjacency to an existing seniors’ community is an appropriate location as the built form will act as a buffer to the more sensitive land use and is compatible with the existing uses.

3. **Zoning By-law Amendment**

The proposed Zoning By-law Amendment will implement the proposed Official Plan Amendment and applies the newly approved Institutional Zoning to the site. The proposed Major Institutional “I3” Zone permits a range of institutional uses and medium density residential uses, including:

- Day Nursery
- Educational Establishment
- Emergency Shelter
- Home Business
- Hospital
- Lodging House
- Long Term Care Facility
- Medical Clinic
- Medical Office
- Multiple Dwelling
- Place of Worship
- Recreation
- Residential Care Facility
- Retirement Home
- Social Services Establishment
- Street Townhouse Dwelling
These uses are compatible given the location of the subject property at the intersection of major arterial roads, the availability of public transit, and adjacency to a large seniors’ residential community (St. Elizabeth’s Village) at 393 Rymal Road West. Lands zoned for commercial use that can provide for the day-to-day commercial needs of the area residents are located within the vicinity (near Upper Paradise Road and West 5th Street) (see Appendix “F”).

In keeping with the policies of the PPS and Hamilton-Wentworth Official Plan, an archaeological assessment and noise study are required. In this regard, the applicant has recently initiated an archaeological assessment and the noise study, which are forthcoming. Therefore, staff recommends that the implementing Zoning By-law be held in abeyance until they are received and approved.

4. Public Response

In response to the Public Consultation Process, two letters were received (Appendix “E”).

One respondent (an existing seniors’ development to the east) cited the need for additional commercial uses in this area, as only two limited commercial strip malls are on Upper James Street, and noted a proliferation of senior’s residences in the area. In this regard, the existing zoning permits a variety of neighbourhood commercial uses, but only on the easterly portion of the subject lands. The westerly portion of the lands permit a very limited range of medical type commercial uses, which are not designed to serve the day-to-day needs of area residents (see Alternatives for Consideration Section, below). Commercial development exists in the area (near Upper Paradise Road and West 5th Street – see Appendix “F”) to serve the daily needs of residents, and public transit is available. Secondly, the redesignation of this property to “Major Institutional” will not have a detrimental impact on the Falkirk East Neighbourhood. Staff is of the opinion that the proposal will serve to complement the facility at 393 Rymal Road West.

The second respondent requested more details of the development, and will be mailed a copy of the staff report.

**ALTERNATIVES FOR CONSIDERATION:**

If these applications are denied, development of commercial uses on the easterly portion of the subject lands, and a medical office, medical laboratory, pharmacy, physiotherapy office, x-ray office, optician’s office, and retail sales and rental of personal health aids on the westerly portion can occur on the site, in accordance with “G-4/S-1330a” (Designed Neighbourhood Shopping Area) District, Modified.
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 a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in settlement areas, Policy 1.1.3.1.

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 maintain the heritage integrity of the site may be permitted. Staff recommends the By-law be held in abeyance until an archaeological assessment is completed, to the satisfaction of the City and the Ministry of Culture, to address this concern.

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 to minimize risk to public health and safety. Due to the proximity of the subject lands to Rymal Road East, staff recommends that the By-law be held in abeyance in order that a noise assessment be conducted to address this concern.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within 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 the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Additionally, 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 adverse impacts and encourages maintenance and protection. Staff recommends the By-law be held in abeyance until an archaeological assessment is completed to the satisfaction of the City and the Ministry of Culture to address this concern.

On the basis of the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Hamilton Official Plan**

The subject property is designated as “Commercial” within the Hamilton Official Plan. The primary purpose of this designation is to provide for commercial development. In addition, Institutional Uses are permitted in accordance with Subsection A.2.6 of the Plan. The relevant policies of Subsection A.2.6 “Major Institutional Uses” are as follows:

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

2.6.4 Notwithstanding the policies set out above, the development of any new Major Institutional Use on a site of 0.4 hectare or greater will only be permitted by means of an amendment to this Plan and to the implementing Zoning By-law, where applicable.”

As the site is greater than 0.4 hectares in area, the proposal includes an Official Plan Amendment to redesignate the subject lands from “Commercial” to “Major Institutional” in the Official Plan. The “Major Institutional” designation permits cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses. The merits of the proposed amendments are discussed in the Analysis/Rationale Section of this report.

**Falkirk East Neighbourhood Plan**

A Council resolution is required to amend the Falkirk East Neighbourhood Plan for this site from “Commercial” to “Major Institutional”. This resolution is set out in Recommendation (b)(iii) of this report.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Concern or Objections:**

- Public Works Department, Forestry and Horticulture Section.
- Corporate Services Department, Budgets, Taxation & Policy Section.
- Public Works Department, Traffic Engineering and Operations Section.
• Culture and Recreation Department, Community Services Division.
• Horizon Utilities.

Hamilton Street Railway

HSR operates the route #35 College buses past this site with no planned changes in service. Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable. HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting, etc. High quality, direct pedestrian pathways from bus stops to developments are appreciated by transit customers and are especially handy for those using personal mobility devices. These matters will be addressed at the site plan stage.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the Official Plan Amendment and zone change applications were pre-circulated to all property owners within 120 metres of the subject property, and a sign was posted on the site. A total of 675 notices were circulated. Two letters were received and are discussed in the Analysis/Rationale Section of this report.

Notice of the Public Meeting will be 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
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:KW
Attachs. (6)
Amendment No. XXX to the Official Plan for the former City of Hamilton

The following text, together with Schedule “A” (Schedule “A” - Land Use Concept, City of Hamilton Official Plan) attached hereto, constitutes Official Plan Amendment No.XXX to the City of Hamilton Official Plan.

Purpose and Effect:

The purpose of the Amendment is to redesignate the subject lands from “Commercial” to “Major Institutional”. The effect of the Amendment is to permit the development of the lands for a retirement residence.

Location:

The lands affected by this Amendment are located on the northwest corner of Rymal Road West and Garth Street and are municipally known as 460 Rymal Road West.

Basis:

The change in designation from “Commercial” to “Major Institutional” is supportable on the following basis:

- The proposal is consistent with the Provincial Policy Statement and conforms to the former Region of Hamilton-Wentworth Official Plan;
- The proposal provides for a needed community establishment that will enhance the welfare of the general community.
- The proposed location between major arterial roads and low density residential uses and adjacency to an existing seniors’ community is an appropriate location as the built form will act as a buffer to the more sensitive land use and is compatible with the existing uses.

Actual Changes:

(a) Schedule “A” - Land Use Concept is revised by redesignating the subject lands from “Commercial” to “Major Institutional” as shown on Schedule “A” attached to this Amendment.
Implementation:

An implementing Zoning By-law will give effect to this Amendment.

This is Schedule ‘1’ to By-law No. _____ passed on the XX\textsuperscript{rd} day of XXXXXX, 2007.

The
City of Hamilton

\underline{Fred Eisenberger} \quad \underline{Kevin C. Christenson}
Mayor \quad City Clerk
CITY OF HAMILTON

BY-LAW No. 2007-05

To Amend Zoning By-law 05-200,

460 Rymal Road West (Hamilton)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 07-15 of Report 07-15 of the Economic Development and Planning Committee at its meeting held on the 15th day of May, 2007, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with:

- The Official Plan of the City of Hamilton, as amended by Official Plan Amendment No. 2007;

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

1. That Map Nos. 1340 and 1341 of Schedule “A” to Zoning By-law 05-200, are amended by incorporating additional zone boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

2. 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.
3. This By-law No. [Insert] shall come into force and be deemed to come into force in accordance with subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED and ENACTED this [Insert] day of [Insert], 2007.

______________________________  ________________________________
Fred Eisenberger                Kevin C. Christenson
Mayor                            City Clerk

ZAC-07-001
Appendix "C" to Report PED07151

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.05-200
(1340 and 1341 of Schedule "A")

Subject Property

Lands to be zoned Major Institutional (I3) Zone

Clerk

Mayor

Scale: N.T.S.
File Name/Number: ZAC-07-001/OPA-07-01
Date: April 20, 2007
Planner/Technician: KWMB

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
March 30, 2007

FAXED TO: (905) 546-4202

City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (West)
City Hall, 71 Main Street West, 7th Floor
Hamilton, Ontario
L8P 4Y5

Attention: Kristen West, Development Planner

Dear Ms. West:

Re: Creekbank Seniors' Residence

Files OPA-07091; ZAC-07-001

We are responding to the Notice of Complete Applications and Preliminary Circulation referenced above. We wish to be notified of the adoption of the proposed official plan amendment or of the refusal of the request to amend.

In accordance with the Notice we received, we wish to make written submissions herewith and to attend the meeting to possibly make oral submissions. We wish to obtain entitlement to appeal any decision made.

We would also like to receive a copy of the staff report to be prepared in this Application.

Written Submissions:

We are the owners of the St. Elizabeth Village which is a lifelease community with over 800 residents. Our residents received written notification of these Applications just the same as our administration did even though they are not the owners of their properties but rather lifelease tenants.

On our behalf and on behalf of all of our Villagers, we would like to request that the property under the Applications be used for retail/commercial purposes instead of a multi unit seniors' residence. There is a proliferation of such retirement homes in the immediate area, including the St. Elizabeth Villa located in our Village and two
residences within 2 kilometers west of the subject property and one other residence within 2 kilometers east of the subject property.

There is a need and desire for the local residents to access proximate retail/commercial units as the closest commercial area is located on Upper James Street with only two small, limited strip malls accessible in the immediate area.

Respectfully submitted,

[Signature]

ROBERT D. WAPPEL, J.A.B.
General Counsel to the St. Elizabeth Home Society

[Handwritten text:]

To whom it may concern,

As a resident of St. Elizabeth Village, I am very interested to hear in more detail, regarding plans for a project to be built at the corner of #460 Rymer Rd and Grath Street.

We did receive your letter (filed) OPB-07-01 and 2007-01-00.

I am looking forward to your response regarding same.

[Handwritten signature]

RECEIVED
MAR 21 2007

[Handwritten signature]