SUBJECT: Application for a Change in Zoning for the Property Located at 2474 Highway No. 56 (Glanbrook) (PED06205) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-06-019, by Dave Zimmerman, owner, for a change in zoning from the Existing Residential “ER” Zone to the General Commercial - Holding “H-C3-213” Zone, to permit a used car dealership and an accessory motor vehicle repair shop for the property located at 2474 Highway No. 56, as shown on Appendix “A” to Report PED06205, on the following basis:

(a) That the subject lands be rezoned from the Existing Residential “ER” Zone to the General Commercial-Holding “H-C3-212” Zone.

(b) That the “H” Holding provision may be removed by a further amendment to this By-law, at such time as the subject lands are serviced by municipal sanitary and storm water services. The use of these lands while zoned “H-C3-212” shall be restricted to a used motor vehicle dealership and an accessory automotive repair shop within the existing buildings.

(c) That the draft By-law, attached as Appendix “D” to Report PED06205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to permit the establishment of a used car dealership and accessory motor vehicle repair shop within the existing buildings. While the proposed use can be adequately serviced by a private sewage system, other uses permitted within the “General Commercial” Zone may not. Therefore, a “H” Holding provision will be applied to the “General Commercial” Zone to ensure that any future use or development of this property will be serviced by municipal sanitary sewers. The proposed change in zoning has merit and can be supported since it conforms to the “General Commercial” designation of the Township of Glanbrook Official Plan, implements the Binbrook Village Secondary Plan, and is compatible with uses in the surrounding area.

BACKGROUND:

Proposal

Dave Zimmerman has applied for a change in zoning to permit a used car dealership and accessory motor vehicle repair shop within existing buildings on the subject property located at 2474 Highway No. 56 (See Appendix “A”).

The existing residential building would be renovated internally, with no external changes, for a sales office associated with a used car dealership. The existing detached garage is to be used for an accessory motor vehicle repair shop. A gravel used car display area, and eleven (11) parking spaces are proposed on-site (see Appendix “B”). A minimum 4.5 metre wide landscaped strip and a privacy fence are to be provided along the side and rear lot lines. A minimum 4.5 metre wide landscaped strip is to be provided along the front lot line.

Location: 2474 Highway No. 56 (Glanbrook)

Owner/Applicant: 2092067 Ontario Ltd. (Dave Zimmerman)

Property Description: Frontage: 38.10m
Depth: 73.52m
Lot Area: 2,804.3sq.m

Servicing: Partial municipal services (water only)
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>General Commercial “C3” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Commercial</td>
<td>General Commercial “C3” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Future Residential</td>
<td>Residential Multiple “RM2” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   (i) The proposed change in zoning is consistent with the Provincial Policy Statement and the Hamilton-Wentworth Official Plan.
   (ii) The proposed change in zoning conforms with the “General Commercial” designation of the Township of Glanbrook Official Plan.
   (iii) The proposed change in zoning implements the “General Commercial” designation in the Binbrook Secondary Plan.
   (iv) The proposed change in zoning provides flexibility in use, while ensuring that the subject lands will be serviced with municipal services when they become available.

2. There are municipal water mains, but no sanitary or storm sewers available to service the subject lands. Upon completion of the design of the intersection of the Binbrook Community By-Pass and Highway No. 56, a future road widening may be needed from the subject lands.

3. The applicant proposes to operate the Used Motor Vehicle Dealership from the existing single-detached dwelling, and the accessory automotive repair shop within the existing frame garage, as shown on Appendix “B”. Several modifications are required to the By-law, as follows:
   (i) Recognition of the existing southerly side yard setback of 7.4 metres, whereas 7.5 metres is required. This modification is to address the
existing as built situation, if future redevelopment alters the existing built form, this reduction will no longer apply.

(ii) A reduction in the required number of parking spaces from twenty-six (26) to eleven (11) parking spaces, including one space for people with disabilities, is required. The development is restricted to the front yard, limiting the amount of space available for parking. Eleven (11) parking spaces are considered adequate for the proposed uses.

(iii) A reduction in the front yard landscaping strip in order to address an existing right-of-way easement. This reduction to the landscaping buffer is supportable as the easement is in favour of the abutting residential property.

The change in use for the existing structure requires a building permit and Site Plan approval. Further, the development concept plan (see Appendix “B”) is an informal submission and for reference purposes only. The issue of site design and technical requirements such as landscaping, grading, parking, and privacy fencing will be formally reviewed at the Site Plan control stage of development.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is not approved, the lands could only be used for the range of uses permitted under the current Existing Residential “ER” Zone.

**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 a Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

Provincial Policy Statement

The applicant has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that promote economic development and competitiveness, Policy 1.3.1.

As the nature of the application, is for the conversion of an existing dwelling for an office and used car dealership lot with an accessory motor vehicle repair shop, the proposal is consistent with the policies of the PPS.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans, will be concentrated in the Urban Areas.

Therefore, as the nature of the application is for a change in zoning to permit a used vehicle dealership with an accessory motor vehicle repair shop, the proposal conforms with the Hamilton-Wentworth Official Plan policies.

Township of Glanbrook Official Plan

The subject lands are designated as “General Commercial” in the Township of Glanbrook Official Plan. The General Policies for the “General Commercial” designation state that all development shall be adequately serviced with sanitary sewage disposal facilities, an adequate water supply, and an adequate and efficient storm drainage system. The subject lands are serviced by a private sewage system. As the proposed uses are to be located within the existing buildings, the private sewage system is adequate.

In accordance with Subsection G.5.3 (c) of the Official Plan, a “H” Holding provision will be applied in conjunction with the proposed General Commercial “C3” Zone as the level of engineering is not adequate to support the full range of permitted uses. This policy also states that the Holding By-law shall specify the land uses permitted in the interim (the used car dealership and accessory automotive repair shop within the existing buildings), and the conditions for removal of the holding provision. Once all of the conditions specified in the Holding By-law are met, Council may consider passing a By-law to remove the holding symbol and allow development to take place in accordance with the zoning category assigned.

Binbrook Village Secondary Plan

The subject lands are designated “General Commercial” in the Binbrook Village Secondary Plan. The Binbrook Village Secondary Plan states that:

“B.2.2.1(f) Binbrook Village shall be developed on the basis of full municipal services, including sanitary sewers, a piped water supply and appropriate storm water management facilities.

B.2.2.2.2 General Commercial

(a) To permit general commercial uses which have more land extensive requirements to locate along Regional Road 56, north of the community core.”

The subject lands will have a “H” Holding provision applied, such that the proposed used car dealership and automotive repair shop can operate within the existing
buildings, no other uses or expansions can occur until such time that the subject lands are serviced by municipal sanitary and storm sewers. Therefore, the proposal conforms to the Secondary Plan.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Hamilton-Wentworth District School Board.
- Bell Canada.

**Corporate Services Department (Budgets Section)**

The owner is to pay the required amount of Best Effort Recovery Charges to Corporate Services, Budgets and Finance, City Hall for the watermain as per the “Southbrook on the Green Phase 1” Subdivision Agreement and Binbrook Infrastructure Agreement.

**Public Works Department (Traffic Engineering and Operations Section)**

The access to the proposed commercial development should function as a stand alone access and not be connected to a residential property as currently exists. At the site plan stage, details will be required regarding the right-of-way between the subject lands and the property located at 2486 Highway No. 56 to the north and the need to separate the two accesses.

**Preliminary Site Plan comments**

For the information of the applicant/owner, there is an intersection proposed on Regional Road 56 at the future community by-pass roadway immediately south of the subject lands. The engineering design of the intersection is currently underway. The applicant should be advised that the location of the access to the site should be maintained at the north limits of the property to provide clearance from the intersection or the potential for restricted access.

For the information of the applicant/owner, any new access or change in use of an access requires an Access Permit issued by this office. We will require at the site plan stage that details be provided on existing access width and access materials. For a two-way access, the minimum width required at the Regional Road 56 allowance is 9.0 metres by 7.0 metres radius. The applicant can call the Traffic Engineering office at (905) 546-2424, ext. 5925 for additional details, however a plan illustrating existing traffic signs, hydrants, utilities/poles, ditch line, culverts, etc must be submitted with payment of $65.31 to initiate the process. Any costs for traffic signs, utility pole relocation or other items are the sole responsibility for the applicant/owner.

Any vehicle loading or delivery must be undertaken on private property. Sufficient manoeuvring must be provided on private property to ensure that delivery vehicles can enter and leave the property in a forward manner.
A 5.0 metre by 5.0 metre vision triangle, measured along the edges of the access and the Regional Road 56 road allowance limit in which no vehicle may be parked or vegetation exceed a height of 0.7 metres higher than the centreline elevation of the road, is required.

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application and notice of Public Meeting was circulated to all property owners within 120 metres of the subject property. A total of fifteen notices were circulated. Only one comment was received (See Appendix “C”). The abutting land owner has four concerns:

1. That the proposed commercial use will abut the approved future residential uses. The consultant for the abutting landowner recommends that the proposed commercial development provide a fence and a landscaping strip along any lot that abuts residential or future residential uses. A 4.5 metre planting strip and privacy fence are currently required in the General Commercial “C3” Zone along any lot line that abuts lands that are existing and/or zoned residential uses.

2. That wrecked vehicles might be stored to the rear of the property. As the proposed development includes an automotive repair shop, the parking of vehicles awaiting repair is permitted, but no outside storage associated with the accessory motor vehicle repair is permitted, and display of vehicles is only permitted in the front yard within the General Commercial “C3” Zone.

3. That a round-about is being considered for the future intersection of the Binbrook Community By-pass and Highway No. 56, and that any required lands should be acquired from the subject lands for the ultimate right-of-way of Highway No. 56. As per the comments of the Traffic Engineering and Operations Section, the engineering design of this intersection is currently underway. Accordingly, dedication of any required road widening is dependent upon completion of the intersection design and the timing of development.

4. That the future land dedication for the potential roundabout may cause the property to the south to be undersized for any use proposed in the “General Commercial” designation. The consultant recommends that a condition be included that 2474 Highway No. 56 be developed in conjunction with the property to the south. As the City does not yet know the extent of any future land dedications, and there is no condition in the “Binbrook Heights” draft plan of subdivision 25T-200005 requiring the property to the south to be developed in conjunction with the subject lands, and since this application for the subject lands proposes no new development, there is still an opportunity for the two landowners to co-operate in any future comprehensive redevelopment proposal of the two properties.
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
A skilled, innovative and diverse workforce is attracted and retained.

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. (4)
Change from the Existing Residential “ER” Zone to the General Commercial-Holding “H-C3-212” Zone
Development Concept Plan
memorandum

To: City of Hamilton
   attn: Kristen West

From: Adi Iranii

Date: May 3, 2006

Re: Used vehicle dealership at 2474 Hwy. 56, Hamilton (Binbrook)

Dear Kristen:

We represent Rob-Geof Properties Ltd., the owner of the lands immediately to
the west of the above-mentioned site. We wish to advise you that the Rob-Geof
lands are slated for residential development and are in an approved draft plan
(Binbrook Heights, 25T-200005). A copy of the approved draft plan is attached
for your reference.

On behalf of Rob-Geof Properties we wish to state that while we do not have any
objection to the proposed amendment to the zoning by-law, we would like to
make the following comments for your consideration regarding the development
of the subject lands:

1. Any proposed use of the subject property should be sensitive to the
   approved residential uses of the adjacent property. In this regard, we
   suggest that the west property line (rear lot line) be adequately fenced
   (closed board privacy fence) and mature landscaping be planted along
   that lot line.

   This will ensure that the interface between commercial uses and
   residential uses are mitigated.

2. Our concern regarding a used vehicle dealership is the common practice
   of storing wrecked vehicles at the rear of the property. We would hope
   that the zoning by-law could contain language that would prohibit this from
   occurring on these lands.

A. J. Clarke and Associates Ltd.
SURVEYORS  PLANNERS  ENGINEERS

25 Main Street West, Suite 300, Hamilton, Ontario, L8P 1H1
Tel: 905-528-8761  Fax: 905-528-2289
Toronto Line: 905-845-0666
e-mail: aic@acclarke.com
Response from Public Circulation

City of Hamilton, attn: Kristen West
Re: Used vehicle dealership at 2474 Hwy 56, Hamilton (Binbrook)

May 3, 2006

3. We wish to make you aware that the City is considering a roundabout at the intersection of Hwy. 56 and the future Binbrook Community By-Pass roadway (Street A in Binbrook Heights draft plan) immediately to the south of this property. Land will be required for the ultimate ROW of Hwy. 56 to accommodate the roundabout.

We recommend that the City acquire any lands it needs for the roundabout at this time.

4. We have a concern about the proposed conceptual site plan that has been submitted. There is a small parcel of land in Binbrook Heights draft plan, north of the Binbrook Community By-pass, (Block 136) which is slated for commercial use (zoned C3). With the revisions to the alignment of the by-pass road as a result of the round-about requirements, Block 136 would not be a viable commercial block on its own, especially with limited or no access to either Hwy. 56 or the By-Pass roadway. Block 136 would have to be developed in conjunction with the property to the north (i.e. with 2474 Hwy. 56).

We strongly feel that any development of the lands on 2474 Hwy. 56 be limited with a condition that it has to develop with the adjacent lands to the south, so that there can be a co-operative effort between the two landowners to develop the lands in an orderly fashion.

We would be pleased to meet with you to discuss this application in more detail at your convenience.

If you need additional information or clarification regarding the above, please do not hesitate to contact me.

Yours very truly,

Adi Irani, P.Eng.
A. J. Clarke and Associates Ltd.

copy: Rob-Geof Properties Ltd., attn: Bruce Robinson
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 2474 Highway No. 56

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 06-____ of the Planning and Economic Development Committee at its meeting held on the ______ day of _______, 2006, 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. Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Existing Residential “ER” Zone to the General Commercial-Holding “H-C3-213” Zone, the land comprised of 2474 Highway No. 56, 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 a new special provision, "H-C3-213", to include the following:

**H-C3-213  2474 Highway No. 56**

Notwithstanding the regulations of **SUBSECTION 25.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL “C3” ZONE**, clauses (g)(i), (j)(ii), and (k), the following special regulations shall apply only to the buildings existing on the date of the passing of this by-law being __________, 2006 on the lands zoned “H-C3-212”;

(g) Minimum Side Yard

   (i) 7.4 metres for the southerly side yard, 7.5 metres for the northerly side yard.

(j) Minimum Parking Requirements

   (ii) The minimum number of parking spaces for the used motor vehicle dealership within the existing building shall be six (6) spaces, and the minimum number of parking spaces for the automotive repair shop within the existing frame garage shall be five (5) spaces.

(k) No loading spaces shall be required for the uses within the existing buildings.

Notwithstanding the regulations of **SUBSECTION 25.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL “C3” ZONE**, clause (l)(i), the following regulation shall apply to lands zoned “H-C3-212”

(l) Minimum Landscaping Requirements

   (i) A landscaped area in the form of a planting strip having a minimum width of 4.5 metres and a solid fence having a height of 1.8 metres shall be provided and thereafter maintained for every portion of any lot line abutting a Residential or Institutional Use or Zone, except for the eleven (11) metre deep Right-of-Way Easement located along the Highway No. 56 frontage abutting the northerly lot line.
Notwithstanding the regulations of SUBSECTION 25.4 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (c) SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL “C3” ZONE, clauses (h), (j), and (k) shall not apply to the buildings existing on the date of the passing of this by-law being __________, 2006 on the lands zoned “H-C3-212”;

The “H” symbol may be removed by a further amendment to this By-law, at such time as the subject lands are serviced by municipal sanitary and storm water services.

The use of these lands while zoned “H-C3-212” shall be restricted to a used motor vehicle dealership and an accessory automotive repair shop within the existing buildings.

3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this __________ day of __________, 2006.

____________________________________  ________________________________
MAYOR                                                        CLERK

ZAC-06-19
This is Schedule "A" to By-Law No. 06—

Passed the............. day of ................., 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

Map Forming Part of By-law No. 06-____ to Amend By-law No. 464

Subject Property
2474 Highway No. 56

Change from Existing Residential “ER” Zone to General Commercial-Holding “H-C3-212” Zone